



Republic of the Philippines
Province of Bohol
MUNICIPALITY OF LOON

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE 2ND REGULAR SESSION OF THE 13TH SANGGUNIANG BAYAN OF LOON, PROVINCE OF BOHOL HELD ON THE 12TH DAY OF JULY 2016 AT THE SANGGUNIANG BAYAN (SB) OFFICE, LOON, BOHOL-

PRESENT:

Hon. Lloyd Peter M. Lopez, M.D.	Vice Mayor, Presiding Officer
Hon. Pedro M. Literatus, Jr.	SB Member
Hon. Timoteo L. Legitimas	SB Member
Hon. Emerson S. Relampagos	SB Member
Hon. Lydia L. Almasa	SB Member
Hon. Zaide Y. Coritico	SB Member
Hon. Nilo P. Branzuela	SB Member
Hon. Judy Marie H. Veloso	SB Member
Hon. Kristel P. Tecson	SB Member
Hon. Cesar R. Pedrigal	Ex-Officio Member

ABSENT: N O N E

MUNICIPAL ORDINANCE NO. 16-001
Series of 2016

THE LEGISLATIVE & QUASI-JUDICIAL MANAGEMENT CODE OF LOON, BOHOL

Part I
SANGGUNIAN LEGISLATIVE MANAGEMENT

Article I
GENERAL PROVISIONS

SECTION 1. APPLICATION. This Code which is a collection of statutes, rules, Supreme Court rulings, DILG opinions, scholastic discussions and methodically arranged, has the following applications:

- 1) The provisions in Part I- Sanggunian Legislative Management shall serve as the Internal Rules of the Sangguniang Bayan of Loon.
- 2) The provisions in Part II- Sanggunian Quasi-Judicial Management shall serve as the Quasi-Judicial Rules of the Sangguniang Bayan in resolving administrative cases and settling barangay boundary disputes, in the exercise of its Quasi-Legislative Powers, Functions and Duties.
- 3) The respective Sangguniang Barangays of Loon may adopt some applicable provisions in Part I to harmonize procedures in producing quality legislations.

SECTION 2. INTERPRETATION. The provisions of this Code shall be liberally construed so as to give life to produce quality legislations, and provides spirit of resolving administrative cases and settling barangay boundary disputes.

SECTION 3. SANGGUNIAN SCHEDULE. The following is the schedule of Sanggunian activities, in the performance of their respective duties:

Monday - People's day and general concerns, district concerns
Tuesday - 1:00 PM Session
Wednesday - Committee meetings, committee reports
Thursday - Submission of committee reports, proposed ordinances, proposed resolutions
Friday - AM preparation of the Order and Calendar of Business
PM pick up of the Session documents

SECTION 4. INAUGURAL SESSION. The Inaugural Session of the newly elected officials of this municipality shall be held during the first regular session of the Sangguniang Bayan.

SECTION 5. STATE OF THE MUNICIPALITY ADDRESS (SOMA). The Municipal Mayor shall deliver his State of the Municipality Address (SOMA) on every first regular session of the year, to be attended by all department and office heads. (Sec 444,b,1,iii, RA 7160).

Article II
COMPOSITION

SECTION 1. COMPOSITION. – The Sangguniang Bayan, the legislative body of the municipality, shall be composed of the Municipal Vice Mayor in his capacity as the composite member and presiding officer, the eight (8) regular sanggunian members, the president of the municipal chapter of the liga ng mga barangay, the president of the Sangguniang Kabataan Municipal Federation (SKMF), as ex officio members and such sectoral representatives as maybe chosen pursuant to law, as members.

Article III
PRESIDING OFFICER

SECTION 1. VICE-MAYOR – the Vice Mayor shall be the regular Presiding Officer of the Sangguniang Bayan. In no case shall he waive his prime duty to preside over the session except in the following instances:

- a) When he is absent, or on official business
- b) When he assumes the function as Acting Mayor
- c) In cases of emergency situations
- d) Attending most urgent and inevitable matters for a limited time
- e) When he waives the Chair, so he can freely participate in the deliberation being the author of a proposed ordinance or resolution, or when he sides on one issue in favor or against its approval.

SECTION 2. FUNCTIONS. The Presiding Officer shall perform the following functions:

- 1) To preside over the sessions of the Sanggunian.
- 2) To open the session by calling the Sanggunian to order.
- 3) To exact from all the members present during the session proper deportment and decorum.
- 4) To employ the internal rules and procedures of the Sanggunian.
- 5) To maintain order and decorum during sessions and render a ruling on questions of order subject to appeal by the member concerned to the body for final decision.
- 6) Upon motion or moto propio, to dispense with the reading of the minutes and proceed to its corrections on clerical errors or amendments by rephrasing the wordings in the minutes.
- 7) Upon motion or moto propio, to declare a recess during sessions anytime he deems it necessary.
- 8) Upon motion or moto propio, to declare the session adjourned to some other date, time and place in cases of extreme emergencies, serious and uncontrollable disorder, public disturbance and other unavoidable circumstances, or for absence of quorum.
- 9) To recognize any member who is entitled to the floor.
- 10) To state all questions before the Sanggunian and put the same into a vote, when regularly moved, and announces the result thereof.
- 11) To make brief remarks, comments or clarificatory questions on any measure pending deliberation by the body.
- 12) To fairly present and refresh the arguments of both sides for clarification before the body shall vote on the issue
- 13) To expedite the business compatible with the rights of the members, allowing brief remarks in cases of debatable motions; provided, however, that should he wish to participate in the floor deliberations in defense, sponsorship or authorship of an ordinance or resolution, the presiding officer may relinquish the chair in favor of any member to preside over the session for a specific period of time.
- 14) To rule on all pending questions, subject to appeal by members of the Sanggunian, which appeal shall not be debatable. Any member appealing may explain his appeal for not more than five (5) minutes. Any ruling on appeal shall be submitted to the Sanggunian for its approval or disapproval.
- 15) To authenticate, whenever necessary, all orders, acts and proceedings of the Sanggunian, declaring its wills and obeying its commands.
- 16) To vote but only to break a tie.
- 17) To sign all the legislative documents requiring his signature.

SECTION 3. ACTING PRESIDING OFFICER. Since the mode of succession provided for permanent vacancies applies in the event of temporary vacancy occurring in office of vice mayor (Gamboa v. Aguirre, G.R.No. 134213, July 20, 1999; Menzon v. Petilla, 197 SCRA 251), pursuant to Section 44 a, RA 7160,

the highest ranking Sangguniang Bayan member shall assume the functions of the Vice Mayor as Acting Vice Mayor. The first in the order of the powers of the Vice Mayor is to serve as the Presiding Officer of the Sangguniang Bayan (Sec.445,a,(1), RA 7160). Hence, the Acting Vice Mayor shall automatically serve as Acting Vice Mayor in the following instances:

- 1) The Vice Mayor has availed of the leave privileges, such as:
 - a) Maternity Leave – Sixty (60) calendar days with full pay for married women in the government service who have rendered an aggregate of two (2) years or more in addition to the sick and/or vacation leave (RA 1161, as amended), or one hundred twenty (120) calendar days pursuant to Expanded Maternity Law of 2015.
 - b) Paternity Leave – Pursuant to R.A. 8187, seven (7) days leave when his spouse has delivered a child or suffered a miscarriage, provided, the privilege shall apply only for each of the first four (4) deliveries of the legitimate spouse.
 - c) Funeral/Mourning Leave – On the occasion of the death and funeral of a member of the immediate family of the employee/official (parent, spouse, legitimate child), for a maximum of three (3) days.
 - d) Graduation Leave – On the day of the graduation of the employee/official, his/ her spouse or child/ children.
 - e) Enrollment Leave – On the day of the enrollment of the employee/official for “off-duty classes”, his/her spouse, or children.
 - f) Wedding/Anniversary Leave – On the occasion of the employee’s/official’s wedding/ or anniversary, to be enjoyed on the actual date of marriage or anniversary.
 - g) Birthday Leave – On the employee’s/official’s birthday.
 - h) Sick Leave – A maximum of fifteen (15) days.
 - i) Hospitalization Leave – By reason of the hospitalization of the employee/official or any member of his/her immediate family (legitimate spouse, parents, children), for one day.
 - j) Accident Leave – By reason of an accident involving any member of his/her immediate family.
 - k) Relocation Leave – By reason of the occurrence of such calamities or disaster personally affecting the employee such as flood, earthquake, typhoon, or fire, for one day.
 - l) Study Leave – Pursuant to CSC Memorandum Circular No.14, series of 1999, the applicant municipal official/ employee may be entitled to Study Leave.
- 2) The Vice Mayor is serving as Acting Mayor. (Section 46a, RA 7160; (Romeo J. Gamboa v. Marcelo Aguirre, Jr.and Juan Araneta, G.R. No. 134213, July 20, 1999; DILG Opinion No.23, s.2012)
- 3) The Vice Mayor is travelling abroad. (Sec.46,a,RA 7160)
- 4) The Vice Mayor is suspended from office (Sec.46,a,RA 7160)
- 5) The Vice Mayor is on Official Business.

In the above instances, the Acting Vice Mayor is one among those who signs in the Order and Calendar of Business, thus, practically and logically preparing himself to perform the first function of the Vice Mayor as presiding officer pursuant to Section 445,a,(1), RA 7160.

SECTION 4. TEMPORARY PRESIDING OFFICER.

- 1) Instances. The Sangguniang Bayan shall be presided over by a Temporary Presiding Officer in two instances:
 - (1) “Elected” Temporary Presiding Officer – wherein the Vice Mayor is unfortunately absent during the session without however filing a leave of absence, or any notice to that effect. Thus, *“in the event of the inability of the regular presiding officer” to preside at a sanggunian session, the members present and constituting a quorum shall elect from among themselves a “temporary” presiding officer.*” (Section 49b, RA 7160; Section 49b, RA 7160, Gamboa vs. Aguirre, G.R.No. 134213, July 20, 1999; DILG Opinion No. 22 s. 2012). In the absence of the Number One SB Member, the next highest ranking SB Member who automatically serves as the Acting Vice Mayor shall preside for the election of the Presiding Officer.
 - (2) “Designated” Temporary Presiding Officer – wherein the Vice Mayor/ regular Presiding Officer or Acting Vice Mayor/ Acting Presiding Officer is present in the session and designates a “Temporary Presiding Officer” in the following instances:
 - a) The regular or acting or Vice Mayor relinquishes the chair and participates in the deliberation in his capacity as an author of a proposed ordinance or resolution.

- b) The regular or acting Vice Mayor waives the chair in order for him to freely participate in the deliberation in favor or against a given issue or proposed ordinance/resolution.
 - c) The regular or acting Presiding Officer waives the chair on reason of conflict of interest on a given issue or subject matter, proposed ordinance/ resolution, so as to avoid any biases.
 - d) The regular or acting Presiding Officer temporarily waives the chair on reason of health or personal necessity, or very urgent matters that needs to be attended to, that declaring a recess would be impractical or can cause unnecessary delay in the proceedings.
 - e) The Acting Vice Mayor who supposedly serves as the Acting Presiding Officer pursuant to Section 44a and 445a,(1), of RA 7160 waives his right to preside over the session on reason of health condition, inconvenience, and other logical reasons.
 - f) The “elected” Temporary Presiding Officer temporarily waives the chair on reasons cited in a,b,c, d, above.
- 2) Designated Temporary Presiding Officer. Should the regular Presiding Officer or Acting Presiding Officer or “Elected” Temporary Presiding Officer temporarily relinquish the Chair in favor of any member to preside over the session, the “designated” Temporary Presiding Officer shall continue to preside the session on specific item/s until the reason/s for the designation as Temporary Presiding Officer ceases.
- 3) Implied election (by general consent). In the absence of any objection to the aforementioned instances that may give rise to the “designation” of Temporary Presiding Officer, the same shall be treated as an implied election in substantial compliance to Section 49b, RA 7160, as per existing jurisprudence under Gamboa vs. Aguirre, G.R.No. 134213, July 20, 1999 and DILG Opinion No. 22 s. 2012, unless the body agrees to hold an election by virtue of nomination process.

SECTION 5. DUTY TO PRESIDE AND ATTEST. The Regular or Acting Presiding Officer or “elected” Temporary Presiding Officer shall not be allowed to abandon his duty as the Presiding Officer if the reason for designating a Temporary Presiding Officer shall have been accomplished or ceases to exist. The Presiding Officer shall attest to the passage of the duly enacted ordinances and approved resolutions, within ten (10) days from their enactment.

SECTION 6. ONE PRESIDING OFFICER. There shall be only one “regular” Presiding Officer or “acting” Presiding Officer, or “elected” Temporary Presiding Officer in one session day. In no case shall there’ll be more than one “designated” Temporary Presiding Officer in one session day.

Article IV **FLOOR LEADERS**

SECTION 1. MAJORITY FLOOR LEADER. The Majority Floor Leader shall perform the following functions:

- a) Serves as the official spokesman/ spokesperson of the majority party or coalition.
- b) Represents the majority party or coalition in the Committee on Codification, Rules, and Legal Matters.
- c) Coordinates with the Vice Mayor and Secretary in the preparation of the Order of Business.
- d) Coordinates with the members of the Majority Group on the rationale in favor or against of the proposed legislative measures, with corresponding supporting documents.
- e) Announces the business in the order it is to be acted upon by the Sanggunian.
- f) Reads any item in the agenda/Order of Business for reference and appropriate action to the corresponding committee.
- g) Spearheads in the suspension of the house rules by two-thirds vote of the members of the Sanggunian for purposes of including in the Order of Business any proposed measure or matter not included therein.

SECTION 2. MINORITY FLOOR LEADER. The Minority Floor Leader shall perform the following functions:

- a) Coordinates with the Vice Mayor and Secretary in the preparation of the Order of Business.
- b) Performs the role as the fiscalizer of the Sanggunian, so as to crystallize proposed legislative measures prior to its final approval.
- c) Serves as the official spokesman/ spokesperson of the minority party or coalition and shall represent the minority party or coalition in the Committee on Codification, Rules and Legal Matters.

SECTION 3. FLOOR LEADER. In the absence of a minority or majority bloc, there will a Floor Leader to assume the functions of the majority floor leader.

Article V
SANGGUNIAN BAYAN MEMBERS

SECTION 1. ROLES. The members of the Sangguniang Bayan shall perform the following roles:

- a) Legislative role – by formulating proposing resolutions for approval or proposed ordinance for enactment of the Sangguniang Bayan, and by actively participating as chairman, vice-chairman, or member of the Sanggunian standing committee/s. It is the obligation of the Sanggunian Member to personally draft a proposed ordinance and proposed resolution. The Sanggunian Secretariat shall assist in the encoding or refinement of the draft ordinance or resolution.
- b) Quasi-Judicial role- by actively participating in the resolution of administrative cases or settlement/ decision of barangay boundary disputes.
- c) Executive role –
 - (1) District executive role - by actively spearheading the socio-economic operations of the district to which he is assigned.
 - (2) Ordinance/resolution executive role –by ensuring the smooth implementation of the duly enacted ordinances or approved resolutions through his committee chairmanship, by way of coordinating with the implementing agencies and offices, keeping in touched the progress of its implementation, subject to legislative tracking.
 - (3) Municipal executive coordinating role –by way of assisting the Honorable Mayor in the strict and harmonious implementation of the ordinances and resolutions duly passed by the Sangguniang Bayan from the municipal down to the barangay level of compliance.

SECTION 2. POWERS, DUTIES AND FUNCTIONS. The sangguniang bayan, as the legislative body of the municipality, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the municipality and its inhabitants pursuant to Section 16 of this Code and in the proper exercise of the corporate powers of the municipality as provided for under Section 22 of this Code (RA 7160), and shall:

- (1) Approve ordinances and pass resolutions necessary for an efficient and effective municipal government, and in this connection shall:
 - (i) Review all ordinances approved by the sangguniang barangay and executive orders issued by the punong barangay to determine whether these are within the scope of the prescribed powers of the sanggunian and of the punong barangay;
 - (ii) Maintain peace and order by enacting measures to prevent and suppress lawlessness, disorder, riot, violence, rebellion or sedition and impose penalties for the violation of said ordinances and actively assisting the local chief executive in the implementation of ordinances;
 - (iii) Approve ordinances imposing a fine not exceeding Two thousand five hundred pesos (P2,500.00) or an imprisonment for a period not exceeding six (6) months, or both in the discretion of the court, for the violation of a municipal ordinance;
 - (iv) Adopt measures to protect the inhabitants of the municipality from the harmful effects of man-made or natural disasters and calamities and to provide relief services and assistance for victims during and in the aftermath of said disasters or calamities and their return to productive livelihood following said events;
 - (v) Enact ordinances intended to prevent, suppress and impose appropriate penalties for habitual drunkenness in public places, vagrancy, mendicancy, prostitution, establishment and maintenance of houses of ill repute, gambling and other prohibited games of chance, fraudulent devices and ways to obtain money or property, drug addiction, maintenance of drug dens, drug pushing, juvenile delinquency, the printing, distribution or exhibition of obscene or pornographic materials or publications, and such other activities inimical to the welfare and morals of the inhabitants of the municipality;
 - (vi) Protect the environment and impose appropriate penalties for acts which endanger the environment, such as dynamite fishing and other forms of destructive fishing, illegal logging and smuggling of logs, smuggling of natural resources products and of endangered species of flora and fauna, slash and burn farming, and such other activities which result in pollution, acceleration of eutrophication of rivers and lakes, or of ecological imbalance;
 - (vii) Subject to the provisions of this Code and pertinent laws, determine the powers and duties of officials and employees of the municipality;
 - (viii) Determine the positions and the salaries, wages, allowances and other emoluments and benefits of officials and employees paid wholly or mainly from municipal funds and provide for expenditures necessary for the proper conduct of programs, projects, services, and activities of the municipal government;
 - (ix) Authorize the payment of compensation to a qualified person not in the government service who fills up a temporary vacancy or grant honorarium to any qualified official or employee designated to fill a temporary vacancy in a concurrent capacity, at the rate authorized by law;

- (x) Provide a mechanism and the appropriate funds therefor, to ensure the safety and protection of all municipal government property, public documents, or records such as those relating to property inventory, land ownership, records of births, marriages, deaths, assessments, taxation, accounts, business permits, and such other records and documents of public interest in the offices and departments of the municipal government;
 - (xi) When the finances of the municipal government allow, provide for additional allowances and other benefits to judges, prosecutors, public elementary and high school teachers, and other national government officials stationed in or assigned to the municipality;
 - (xii) Provide for legal assistance to barangay officials who, in the performance of their official duties or on the occasion thereof, have to initiate judicial proceedings or defend themselves against legal action; and, (xiii) Provide for group insurance or additional insurance coverage for barangay officials, including members of barangay tanod brigades and other service units, with public or private insurance companies, when the finances of the municipal government allow said coverage.
- (2) Generate and maximize the use of resources and revenues for the development plans, program objectives and priorities of the municipality as provided for under Section 18 of this Code with particular attention to agro-industrial development and countryside growth and progress, and relative thereto, shall:
- (i) Approve the annual and supplemental budgets of the municipal government and appropriate funds for specific programs, projects, services and activities of the municipality, or for other purposes not contrary to law, in order to promote the general welfare of the municipality and its inhabitants;
 - (ii) Subject to the provisions of Book II of RA 7160 and applicable laws and upon the majority vote of all the members of the sangguniang bayan, enact ordinances levying taxes, fees and charges, prescribing the rates thereof for general and specific purposes, and granting tax exemptions, incentives or reliefs;
 - (iii) Subject to the provisions of Book II of RA 7160 and upon the majority vote of all the members of the sangguniang bayan, authorize the municipal mayor to negotiate and contract loans and other forms of indebtedness;
 - (iv) Subject to the provisions of Book II of RA 7160 and applicable laws and upon the majority vote of all the members of the sangguniang bayan, enact ordinances authorizing the floating of bonds or other instruments of indebtedness, for the purpose of raising funds to finance development projects;
 - (v) Approve funds for the construction and maintenance or the rental of buildings for the use of the municipality and, upon the majority vote of all the members of the sangguniang bayan, authorize the municipal mayor to lease to private parties such public buildings held in a proprietary capacity, subject to existing laws, rules and regulations;
 - (vi) Prescribe reasonable limits and restraints on the use of property within the jurisdiction of the municipality;
 - (vii) Adopt a comprehensive land use plan for the municipality: Provided, That the formulation, adoption, or modification of said plan shall be in coordination with the approved provincial comprehensive land use plan;
 - (viii) Reclassify land within the jurisdiction of the municipality, subject to the pertinent provisions of RA 7160;
 - (ix) Enact integrated zoning ordinances in consonance with the approved comprehensive land use plan, subject to existing laws, rules and regulations; establish fire limits or zones, particularly in populous centers; and regulate the construction, repair or modification of buildings within said fire limits or zones in accordance with the provisions of the Fire Code;
 - (x) Subject to national law, process and approve subdivision plans for residential, commercial, or industrial purposes and other development purposes, and collect processing fees and other charges, the proceeds of which shall accrue entirely to the municipality: Provided, however, That, where approval by a national agency or office is required, said approval shall not be withheld for more than thirty (30) days from receipt of the application. Failure to act on the application within the period stated above shall be deemed as approval thereof;
 - (xi) Subject to the provisions of Book II of this Code (RA 7160), grant the exclusive privilege of constructing fish corrals or fish pens, or the taking or catching of bangus fry, prawn fry or kawag-kawag or fry of any species or fish within the municipal waters;
 - (xii) With the concurrence of at least two-thirds (2/3) of all the members of the sangguniang bayan, grant tax exemptions, incentives or reliefs to entities engaged in community growth-inducing industries, subject to the provisions of Chapter 5, Title I, Book II of this Code (RA 7160);
 - (xiii) Grant loans or provide grants to other local government units or to national, provincial and municipal charitable, benevolent or educational institutions: Provided, That said institutions are operated and maintained within the municipality;
 - (xiv) Regulate the numbering of residential, commercial and other buildings; and,

- (xv) Regulate the inspection, weighing and measuring of articles of commerce.
- (3) Subject to the provisions of Book II of this Code, grant franchises, enact ordinances authorizing the issuance of permits or licenses, or enact ordinances levying taxes, fees and charges upon such conditions and for such purposes intended to promote the general welfare of the inhabitants of the municipality, and pursuant to this legislative authority shall:
- (i) Fix and impose reasonable fees and charges for all services rendered by the municipal government to private persons or entities;
 - (ii) Regulate any business, occupation, or practice of profession or calling which does not require government examination within the municipality and the conditions under which the license for said business or practice of profession may be issued or revoked;
 - (iii) Prescribe the terms and conditions under which public utilities owned by the municipality shall be operated by the municipal government or leased to private persons or entities, preferably cooperatives;
 - (iv) Regulate the display of and fix the license fees for signs, signboards, or billboards at the place or places where the profession or business advertised thereby is, in whole or in part, conducted;
 - (v) Any law to the contrary notwithstanding, authorize and license the establishment, operation, and maintenance of cockpits, and regulate cockfighting and commercial breeding of gamecocks: Provided, That existing rights should not be prejudiced;
 - (vi) Subject to the guidelines prescribed by the Department of Transportation and Communications, regulate the operation of tricycles and grant franchises for the operation thereof within the territorial jurisdiction of the municipality;
 - (vii) Upon approval by a majority vote of all the members of the sangguniang bayan, grant a franchise to any person, partnership, corporation, or cooperative to establish, construct, operate and maintain ferries, wharves, markets or slaughterhouses, or such other similar activities within the municipality as may be allowed by applicable laws: Provided, That, cooperatives shall be given preference in the grant of such a franchise.
- (4) Regulate activities relative to the use of land, buildings and structures within the municipality in order to promote the general welfare and for said purpose shall:
- (i) Declare, prevent or abate any nuisance;
 - (ii) Require that buildings and the premises thereof and any land within the municipality be kept and maintained in a sanitary condition; impose penalties for any violation thereof, or upon failure to comply with said requirement, have the work done and require the owner, administrator or tenant concerned to pay the expenses of the same; or require the filling up of any land or premises to a grade necessary for proper sanitation;
 - (iii) Regulate the disposal of clinical and other wastes from hospitals, clinics and other similar establishments;
 - (iv) Regulate the establishment, operation and maintenance of cafes, restaurants, beerhouses, hotels, motels, inns, pension houses, lodging houses, and other similar establishments, including tourist guides and transports;
 - (v) Regulate the sale, giving away or dispensing of any intoxicating malt, vino, mixed or fermented liquors at any retail outlet;
 - (vi) Regulate the establishment and provide for the inspection of steam boilers or any heating device in buildings and the storage of inflammable and highly combustible materials within the municipality;
 - (vii) Regulate the establishment, operation, and maintenance of entertainment or amusement facilities, including theatrical performances, circuses, billiard pools, public dancing schools, public dance halls, sauna baths, massage parlors, and other places of entertainment or amusement; regulate such other events or activities for amusement or entertainment, particularly those which tend to disturb the community or annoy the inhabitants, or require the suspension or suppression of the same; or, prohibit certain forms of amusement or entertainment in order to protect the social and moral welfare of the community;
 - (viii) Provide for the impounding of stray animals; regulate the keeping of animals in homes or as part of a business, and the slaughter, sale or disposition of the same; and adopt measures to prevent and penalize cruelty to animals; and
 - (ix) Regulate the establishment, operation, and maintenance of funeral parlors and the burial or cremation of the dead, subject to existing laws, rules and regulations.
- (5) Approve ordinances which shall ensure the efficient and effective delivery of the basic services and facilities as provided for under Section 17 of this Code, and in addition to said services and facilities, shall:
- (i) Provide for the establishment, maintenance, protection, and conservation of communal forests and water sheds, tree parks, greenbelts, mangroves, and other similar forest development projects;

- (ii) Establish markets, slaughterhouses or animal corrals and authorize the operation thereof, and regulate the construction and operation of private markets, talipapas or other similar buildings and structures;
 - (iii) Authorize the establishment, maintenance and operation of ferries, wharves, and other structures, and marine and seashore or offshore activities intended to accelerate productivity;
 - (iv) Regulate the preparation and sale of meat, poultry, fish, vegetables, fruits, fresh dairy products, and other foodstuffs for public consumption;
 - (v) Regulate the use of streets, avenues, alleys, sidewalks, bridges, parks and other public places and approve the construction, improvement, repair and maintenance of the same; establish bus and vehicle stops and terminals or regulate the use of the same by privately-owned vehicles which serve the public; regulate garages and the operation of conveyances for hire; designate stands to be occupied by public vehicles when not in use; regulate the putting up of signs, signposts, awnings and awning posts on the streets; and provide for the lighting, cleaning and sprinkling of streets and public places;
 - (vi) Regulate traffic on all streets and bridges, prohibit the putting up of encroachments or obstacles thereon, and, when necessary in the interest of public welfare, authorize the removal of encroachments and illegal constructions in public places;
 - (vii) Subject to existing laws, provide for the establishment, operation, maintenance, and repair of an efficient waterworks system to supply water for the inhabitants; regulate the construction, maintenance, repair and use of hydrants, pumps, cisterns and reservoirs; protect the purity and quantity of the water supply of the municipality and, for this purpose, extend the coverage of appropriate ordinances over all territory within the drainage area of said water supply and within one hundred (100) meters of the reservoir, conduit, canal, aqueduct, pumping station, or watershed used in connection with the water service; and regulate the consumption, use or wastage of water;
 - (viii) Regulate the drilling and excavation of the ground for the laying of water, gas, sewer, and other pipes and the construction, repair and maintenance of public drains, sewers, cesspools, tunnels and similar structures; regulate the placing of poles and the use of crosswalks, curbs, and gutters; adopt measures to ensure public safety against open canals, manholes, live wires and other similar hazards to life and property; and, regulate the construction and use of private water closets, privies and other similar structures in buildings and homes;
 - (ix) Regulate the placing, stringing, attaching, installing, repair and construction of all gas mains, electric, telegraph and telephone wires, conduits, meters and other apparatus; and, provide for the correction, condemnation or removal of the same when found to be dangerous, defective or otherwise hazardous to the welfare of the inhabitants;
 - (x) Subject to the availability of funds and to existing laws, rules and regulations, establish and provide for the operation of vocational and technical schools and similar post-secondary institutions and, with the approval of the Department of Education, Culture and Sports, fix and collect reasonable fees and other school charges on said institutions, subject to existing laws on tuition fees;
 - (xi) Establish a scholarship fund for poor but deserving students residing within the municipality in schools located within its jurisdiction;
 - (xii) Approve measures and adopt quarantine regulations to prevent the introduction and spread of diseases;
 - (xiii) Provide for an efficient and effective system of solid waste and garbage collection and disposal and prohibit littering and the placing or throwing of garbage, refuse and other filth and wastes;
 - (xiv) Provide for the care of paupers, the aged, the sick, persons of unsound mind, disabled persons, abandoned minors, juvenile delinquents, drug dependents, abused children and other needy and disadvantaged persons, particularly children and youth below eighteen (18) years of age and, subject to availability of funds, establish and provide for the operation of centers and facilities for said needy and disadvantaged persons;
 - (xv) Establish and provide for the maintenance and improvement of jails and detention centers, institute sound jail management programs, and appropriate funds for the subsistence of detainees and convicted prisoners in the municipality;
 - (xiv) Establish a municipal council whose purpose is the promotion of culture and the arts, coordinate with government agencies and non-governmental organizations and, subject to the availability of funds, appropriate funds for the support and development of the same; and
 - (xvii) Establish a municipal council for the elderly which shall formulate policies and adopt measures mutually beneficial to the elderly and to the community; provide incentives for non-governmental agencies and entities and, subject to the availability of funds, appropriate funds to support programs and projects for the benefit of the elderly; and
- (6) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

SECTION 3. CRYSTALLIZED FUNCTIONS OF THE SANGGUNIANG BAYAN. Members of the Sangguniang Bayan shall respectively perform their crystallized functions enunciated under Section 447 of RA 7160, as follows:

FUNCTIONS	SUBJECT	LEGAL BASIS	KIND OF ORDINANCE	CODE	KIND OF RESOLUTION	AFFECTED PARTIES
Review function	a)Barangay ordinances b)Executive orders issued by punong brgy	Sec 447a,1,I,RA 7160	Administrative	Legislative Management (Administrative Code)		Sangguniang Barangay
General welfare function	a)basic services b)forest dev. Projects c)Peace and order d)limits on the use of property e)animals safety	-Sec 447,a,5; Sec 16 -ibid,5,i -Sec 447a,1,ii,RA 7160 -Sec 447,a,2,vi --ibid,4,viii	General/regulatory	General Welfare Code		Constituents
Social welfare function	a)child & youth welfare b)family & community welfare c)women's welfare d)elderly & disabled persons welfare e)rehabilitation programs for vagrants,beggar,street children,scavengers, juveline delinquents, drug victims, f)livelihood & pro-poor projects g)nutrition services h)family planning services	Sec 17,b,2,iv		Social Welfare Code		Families
Disciplinary function	a) fines maximum P2,500, or 6 months imprisonment, or both b) jail management programs	Sec 447a,1,iii,RA 7160 -ibid,5,xv	All	General Welfare Code, Revenue Code, other codes		Constituents
Safety function	a)disasters b)inflammable	-Sec 447a,1,iv,RA 7160 -ibid,4,vi	General/regulatory	Disaster & Public Safety Code		Constituents
Moral preservation function	a)morally sound environment	Sec 447,a,1,v,RA 7160		Moral Values Code		Constituents
Environmental protection function	a)protect environment b)forestry projects c) solid waste disposal	Sec 447,a,1,vi,RA 7160 Sec 17,b,2,ii Sec 17,b,2,vi	Integrated Solid Waste Management Ordinance	Environment Code		Constituents, Municipal and barangay officials
Administrative function	a)powers and functions of officials and employees b)wages, salaries, allowances, compensation c)allowances to national officials d)group insurance to brgy officials e) legal guidance to brgy officials	Sec447,a,1,vii, RA 7160 -Sec 447,a,1,viii,RA 7160; -Ibid,a,1,ix, -ibid,a,1,xi - Ibid,a,1,xii	Administrative Appropriation Ordinance	Adm Code		Municipal and barangay officials and employees

Public properties function	a) safety of govt property & documents b) mun .buildings, other facilities c) infrastructure facilities d) PNP, fire, jail station sites	-Ibid,a,1,x- Sec.17,b,2,vii -ibid,2,viii -ibid,2,xii		Public Properties Code		Municipal and barangay officials
Revenue function	a)tax, fees & charges b)loans & other forms of indebtedness c) floating of bonds & other instruments of indebtedness d)lease public buildings e)tax exemptions f) grant loans g)public utilities h)cockpit operations	-Sec 447,a,2,3,RA 7160;ibid,2,ii;3,i -ibid,2,iii -ibid,2,iv -ibid, 2 v -ibid,2,xii -ibid,2,xiii -ibid,3,iii -ibid,3,v		Revenue Code		Businessmen
Budgetary function	a)annual & supplemental budget	Ibid,2,i	Appropriation Ordinances			Budget Officer, Municipal Dev.Council, Sangguniang Bayan;Brgy Dev.Council, Sangguniang Barangay
Land use function	a)comprehensive land use plan b)reclassify land c)integrated zoning d)subdivision plan e) numbering of buildings	-ibid,2,vii -ibid,2,viii -ibid,2,ix -ibid,2,x --ibid,2,xiv		Zoning Code		MPDC, Assessor, Municipal & barangay Officials
Infra/building function	a)use of land, buildings, structures b)nuisance c)hotels, motels, etc	-Sec.447,a,4 -ibid, 4,i -ibid,4,iv		Socialized Housing Code		Engineering, MPDC, RHU, Municipal & brgy officials
Trade function	a) weighing /measuring of articles b) license fees for signs, signboards, billboards c) franchise for markets, ferries, wharves, slaughterhouse, etc d) establishment of markets, slaughter-houses e) establishment of ferries, wharves f) sale of meat, poultry, etc	-Sec 447,a,2,xv -ibid,3,iv -ibid,3vii -ibid5,ii -ibid,5, iii -ibid,5, iv		Trade and Commerce Code		Business sector, Treasurer's Office, DTI
Economic function	a) business license, or practice of profession	-ibid,3,ii		Economic Welfare Code		Family, Treasurer's Office
Health & sanitation function	a) sanitation b) clinical wastes c) funeral parlors d) solid waste e) health services f)prevent diseases	-ibid,4,ii -ibid,4,iii -ibid,4,ix -ibid,5,xiii -Sec 17,b,2,iii -ibid,5,xii		Health & Sanitation Code Agri-Health Code		Constituents, RHU- Health, PNP

Agricultural function	a)agriculture and fishery	-Sec 17,b,2,(i),RA 7160		Agriculture Code		DA, PNP, Brgy officials
Tourism/relaxation function	a)liquors b)amusement facilities c)tourism facilities	-Sec.447,a,4,v -ibid,4,vii -Sec 17,b,2,xi		Tourism Code		Mun.Tourism Council, Businessmen
Transport & traffic function	a)streets, terminal, etc b) traffic c) tricycle operations	-Sec 447,a,5,v -ibid,5,vi -ibid,3,vi	Transportatio n Ordinance			Business sector, Constituents
LGU Economic Enterprises function	a)waterworks system b)public markets, slaughterhouses , etc	-Sec 447,a,5,vii -Sec 17,b,2,ix,x		Economic Enterprises Code		Treasurer's Office, LGU Economic Enterprises
Education function	a)technical schools b)scholarship for poor but deserving c)culture and arts	-Sec 447,a,5,x, -ibid,5,xi -ibid,5,xvi		C-HEARTSS Code		DepEd, TESDA, Students/ Pupils
Underprivileged function	a)disabled, abandoned,juvenile, etc. b)elderly c)children	-Sec 447,a,5,xiv -ibid,5,xvii -ibid,5,xiv; ibid,a,1,v	"The Priority Ordinance of _____"	Child Welfare Code		PWDs, Senior citizens, Children, Abandoned, Underprivileged
Information function	a)information technology b) library c) investment & job placement information system d) tax and marketing information system	Sec.17,b,2,v		Information Code		PIO Library Sangguniang Bayan
Multi-related function	a)other Sanggunian powers b)other duties and functions	Sec 447,a,6,RA 7160	Enactment of ordinance			LGU, brgys Constituents

SECTION 4. OFFICERS OF THE DAY - those who report on duty at the Sangguniang Bayan office from 8:00AM to 8:00AM of the following day, on 24-hour basis.

- 1) The members of the Sangguniang Bayan shall rotate among themselves as “officers of the day” to serve the following objectives:
 - a) To attend to the daily concerns of the Loonnanon constituents.
 - b) To make proper representation for prompt action on behalf of the Sangguniang Bayan.
 - c) To follow-up the proper implementation of ordinances and resolutions.
 - d) To cater the needs of their respective districts and all other constituents.
 - e) To update the progress of their respective committee functions.
 - f) To make the Sangguniang Bayan functional in coordination with the LGU departments and offices, the eight (8) districts, the sixty-seven (67) barangays.
- 2) The schedule of the “Officers of the Day” shall be as follows:
 - a) Monday – Districts I, 2, 3 Chairmen
 - b) Tuesday – Session Day, the LnB President
 - c) Wednesday – Committee Meetings Day, all SB Members
 - d) Thursday – Districts 4, 5, 6 Chairmen
 - e) Friday – Districts 7 and 8 Chairmen

Article VI
SANGGUNIAN SECRETARY

SECTION 1. FUNCTIONS. In addition to the duties prescribed by law, the Secretary shall perform the following functions:

- 1) Coordinates with the Vice-Mayor, Majority and Minority Floor Leaders in the preparation of the Order and Calendar of Business.
- 2) Prepares and send notice of special session to all the SB Members at their usual place of residence at least 24 hours before the scheduled session pursuant to Section 52,d,RA 7160.

- 3) Prepares and attends to regular and special sessions of the Sanggunian.
- 4) Sends out Order and Calendar of Business with supporting legislative documents to each SB Member at least a day before the session.
- 5) Calls the roll of members of the Sanggunian.
- 6) Prepares and certifies all minutes and journal of the Sanggunian.
- 7) Reads by himself or through a reader designated by him any legislative document when directed by the Presiding Officer to read.
- 8) Notifies officers and special committees of their appointments or creations, or any important matters upon direction of the Vice Mayor.
- 9) Transmits to the proper committee all matters referred to them by the Sanggunian.
- 10) Prepares and sends out proper notices and communications of all meetings and hearings conducted by the Sanggunian en banc or by a committee.
- 11) Carries out or enforces orders of the Sanggunian when such duty revolves upon him.
- 12) Performs research functions and attends seminars for this purpose.
- 13) Serves as technical assistant of the Sanggunian on matters of legislative process and enactments
- 14) Supervises his support staff in the proper execution of the aforementioned functions, being the backbone of local legislations.

SECTION 2. DISTRIBUTION OF FUNCTIONS. The Sanggunian Secretary shall distribute the specific functions to his staff in the execution of the above-enumerated functions for the success in the performance of legislative functions of the Sangguniang Bayan.

Article VII **SESSIONS**

SECTION 1. DEFINITION. A session of the Sangguniang Bayan refers to a meeting of the duly elected members of the Sanggunian which may last for several hours, one-half day or a maximum of one (1) day for purposes of transacting business or matters to be deliberated upon in a certain date, time and place.

SECTION 2. REGULAR SESSION. There shall be a weekly "Regular Session" of the Sangguniang Bayan, classified into:

- 1) Fixed Regular Session – which shall be held every Tuesday at 1:00 in the afternoon until it is adjourned within the day.
- 2) Rescheduled Regular Session – which is moved in advance or postponed to another date in the following instances:
 - a) Holiday- In case of a Tuesday falling on a holiday, the day preceding such holiday/s shall be the session day for the week. Reminders through electronic communications would suffice.
 - b) Other reasons- The date of the regular session may also be rescheduled in advance or postponed to another date upon unanimous agreement of the members of the sanggunian during the previous session on other reasons such as, but not limited to:
 - (a) fiesta celebration,
 - (b) attendance to PCL or league conventions/assemblies/conferences
 - (c) attendance to seminars,
 - (d) other valid grounds agreed upon. In this case, the absent member shall be notified in writing on the date of the rescheduled regular session. Electronic reminders would suffice for those present during the previous session who agreed for the rescheduling of the regular session.

SECTION 3. SPECIAL SESSION.

- 1) Date. When public interest so demands, special sessions may be called by the Honorable Mayor, the Presiding Officer, or by a majority of the members of the Sanggunian at any date, provided, the following requisites shall concur:
 - a) A written call by the Honorable Mayor if it is called by the Mayor, or a written call by the Vice Mayor or Acting Vice Mayor if it is called by the Vice/Acting Vice Mayor or jointly with the Mayor, or a written call signed by majority of the members of the Sanggunian if it is called by them.
 - b) The Notice of Special Session shall be personally served to the SB members' usual place of residence at least twenty four (24) hours before the special session is held.
- 2) Subject Matter. The items/ subject matters to be deliberated upon shall be specified in the Notice with corresponding Order of Business. Unless, otherwise concurred in by two-thirds

(2/3) vote of the Sanggunian members present, there being a quorum, no other matters may be considered at a special session except those stated in the notice. (as amended by section 1 of Municipal Ordinance No. 99-010, Series of 1999; Sec 52c, RA 7160)

SECTION 4. ADJOURNED SESSION. In case there is no quorum, a recess shall be declared until such time that a quorum shall be constituted. After all possible efforts are exerted, the regular or Acting Presiding Officer shall declare the session "adjourned" for lack of quorum. The minutes shall reflect the names of the Sanggunian members who are present and those who are absent, the time it was called to order and the time of adjournment.

SECTION 5. VENUE. The venue of the regular or special session shall be specified in the Order of Business. It shall be held at:

- a) Hon. Juan M. Relampagos Session Hall, or if unavailable, or
- b) Any public building owned by the Municipality, or
- c) Barangay Hall/ Multi-Purpose Hall during the District Consultation meetings
- d) Any venue duly approved by the body

SECTION 6. OPEN SESSION. All Sanggunian sessions shall be open to the public unless a closed-door session is ordered by an affirmative vote of a majority of the members present, there being a quorum, in the public interest or for reasons of security, decency, or morality, or for reasons affecting the dignity of the sanggunian or any of its members, or when confidential matters are being considered.

SECTION 7. SINGLE DAY SESSION. No two (2) sessions, regular or special, may be held in a single day. (as amended by section 1 of Municipal Ordinance No. 99-010, Series of 1999; Section 52,c,RA 7160)

SECTION 8. RECORD OF PROCEEDINGS. The Record of Proceedings to which the Secretariat shall keep are:

- 1) Minutes –which contain brief summary of the proceedings, with approved resolutions and enacted ordinances. It shall be reviewed, corrected or amended by the Sanggunian members during the following session before all members shall affix their respective signatures. The brief summary of the proceedings shall contain of the following:
 - a) Heading
 - b) Date and Venue of the Session
 - c) Kind and Number of Session
 - d) Names of Sanggunian members who are present, on leave, on official business, or who are absent, and the name of the Presiding Officer
 - e) Exact hour of opening and adjournment
 - f) The Order of Business
 - g) Brief record of the deliberations
 - h) The movant of the motion, those who second, those who opposed, the result of the voting
 - i) Approved resolutions
 - j) Enacted ordinances
- 2) Journal – which contain the verbatim transcription of the proceedings. It shall be signed by the staff who prepares/ transcribes it, certified by the Sanggunian Secretary and attested by the Presiding Officer. It serves to support the minutes.

SECTION 9. SUSPENSION OF SESSION. The session may be suspended when so directed by the Sanggunian for purposes of accommodating guests or visitors without need of incorporating in the minutes the contents of their discussions. It is SUSPENSION OF THE HOUSE RULES by two-thirds vote if the intent is to reflect in the minutes the proceedings upon which the presence of the visitors was not included in the order of business.

SECTION 10. RECESS. The Presiding Officer may, moto proprio or upon motion, declare for a few minutes recess for some important internal matters, personal or intervening reasons other than the presence of visitors.

SECTION 11. ADJOURNMENT. The session shall be adjourned when so directed by the Sanggunian. However, the presiding officer, moto proprio, may adjourn the session when the same becomes unruly or uncontrollable, or in times of emergency, or no more matters to be discussed.

SECTION 1. DEFINITION. A quorum is more than half of any total (Santiago & Tatad vs. Guingona & Fernan, GR 134577, Nov.18,1998; Avelino vs. Lasco, 83 Phil 80; Perez vs de la Cruz, Dec.18,1987). Quorum is defined as that number of members of a body which, when legally assembled in their proper places, will enable the body to transact its proper business or that number which makes a lawful body and gives it power to pass upon a law or ordinance or do any valid act. Majority, when required to constitute a quorum, means the number greater than half or more than half of any total.(Zamora v. Governor Caballero,¹⁴,2004).

SECTION 2. SANGGUNIAN QUORUM. Quorum in the Sangguniang Bayan shall be based on the presence of a majority or more than half **of** all the members of the sanggunian who have been elected and qualified to transact official business (Section 53,"a", RA 7160) less those who cannot logically and legally be compelled to attend the session being incapacitated to discharge their duties by reason of "legal impediment" such as resignation, suspension, removal, on official business (OB), or "physical impediment" such as death, permanent incapacity, or absences from the jurisdiction of the Sanggunian such as travelling abroad or for other causes which makes the attendance of a member concerned impossible even through coercive process (La Carlota City vs. Atty. Rex Rojo, 2012; Jose Avelino, petitioner vs. Mariano J. Cuenco, respondent, G.R. No. L-2821, March 4, 1949; Skills Training for Sanggunian Secretaries, Local Government Academy-DILG,p.2,The Review Power of the Sangguniang Panlungsod/Bayan; Avelino vs.Cuenca, 83 Phil.17; DILG Opinion No.100, June 28, 2010; DILG Opinion 34 s. 2012).

SECTION 3. MANDATORY ATTENDANCE. In the absence of a quorum, the presiding officer may declare a recess until such time as quorum is constituted, or a majority of the members present may adjourn from day to day and may compel the immediate attendance of any member absent without justifiable cause by designating a member of the sanggunian, to be assisted by a member or members of the police force to arrest the absent member and present him at the session (Section 53 b,RA 7160) or he shall be fined One Thousand Pesos (P1,000.00) which affect the reduction of his terminal leave benefits.

SECTION 4. COUNTING OF QUORUM.

- a) The Presiding Officer shall be included in the counting of quorum in his capacity as a composite member, not a regular member, of the Sanggunian. (Zamora vs.Caballero, GR 147767,Jan.14,2004 La Carlota City vs. Atty. Rex Rojo, 2012).
- b) The counting of quorum shall be based on the actual membership of incumbents, which shall be limited to actual members who are not incapacitated to discharge their duties or for causes which makes the attendance of a member concerned impossible even through coercive process. (Skills Training for Sanggunian Secretaries, Local Government Academy-DILG,p.2,The Review Power of the Sangguniang Panlungsod/Bayan; Avelino vs.Cuenca, 83 Phil.17; DILG Opinion No.100, June 28, 2010).
- c) Determination of the Existence of a Quorum is based on Total Membership of the Sanggunian without regard to the filing of a Leave of Absence. Sanggunian member's absence (on leave) is not a justification to reduce the required number to constitute a quorum. (Zamora vs. Caballero, 2004).
- d) Death and suspension of sanggunian members justify the reduction of the number required to constitute a quorum in a session (DILG Opinion 34 s. 2012).
- e) Roll Call. Following the order of business, the secretary shall call the roll, and shall announce the result. The presiding officer shall then declare the existence or non-existence of a quorum. Elective members shall be called according to their rank, and the appointive members shall be called according to seniority of age.

SECTION 5. ABSENCE OF QUORUM. In the absence of quorum, no business shall be transacted. The presiding officer, moto proprio, or upon proper motion duly approved by the members present, shall then declare the session adjourned for lack of quorum, in which case, the "adjourned session", either regular or special, shall be reflected in the minutes.

SECTION 6. CUTTING SESSION. Any member who leaves the session hall without permission from the Presiding Officer or without any valid reason shall be fined P500.00 for "cutting session".

Article IX

ORDER AND CALENDAR OF BUSINESS

SECTION 1. ORDER OF BUSINESS/ AGENDA. – The order of business of the Sangguniang Bayan refers to the order of items to be deliberated upon by the Sangguniang Bayan which includes the Calendar of Business. It is equivalent to an agenda in a non-deliberative body. It contains the following: (as amended by section 1 of Municipal Ordinance No. 99-010, Series of 1999)

- 1) Call to Order
- 2) Invocation
- 3) National Anthem, Bohol Hymn, Loon Hymn
- 4) Recitation of the PCL Creed
- 5) Roll Call and Declaration of Quorum
- 6) Reading and Approval of the Minutes of the previous session
- 7) Presiding Officer's Time:
 - a) Proposed ordinances
 - b) Proposed resolutions
- 8) First Reading and Referral to Committees
 - a) Proposed ordinances
 - b) Proposed resolutions
 - c) Barangay ordinances
 - d) Barangay resolutions
 - e) Petitions
 - f) Messages/communications
- 9) Committee Reports
- 10) Calendar of Business
 - 2nd Reading
 - a) Unfinished Business
 - b) New Business
 - 3rd Reading
- 11) Appearances of Office Heads/ Citizen's Time
- 12) Privilege Speeches/Question Hour
- 13) Other Matters
- 14) Adjournment and Closing Prayer

SECTION 2. ATTACHMENTS. Depending on the items included in the Order and Calendar of Business, the documents to be attached among others are: proposed ordinances and resolutions, barangay ordinances, incoming communications, endorsements, petitions, messages, memoranda, executive orders, circulars, and other matters which require appropriate action by the Sangguniang Bayan.

SECTION 3. PREPARATIONS.

- (a) Only those matters received before twelve o'clock noon of Friday before the holding of a regular Tuesday session, or two days before the adjusted date of a regular session, and those certified as urgent by the local chief executive may be included or entered in the Order/ calendar of business/ agenda to be taken up in the said regular session.
- (b) Executive communications, proposed ordinances, proposed resolutions, committee reports, petitions, barangay ordinances, barangay resolutions, and other matters which need legislative action by the Sangguniang Bayan shall be included in the Order of Business if the Secretariat Office received such documents from Wednesday afternoon of the previous week to Wednesday morning of the session week.
- (c) Any member desiring to deliver a privilege speech, shall submit to the Secretariat a copy of the privilege speech for guidance of the Sangguniang Bayan members to be properly referred to an appropriate committee and promptly acted upon. The speech should not be more than ten (10) minutes.
- (d) The presiding officer, in coordination with the majority floor leader and the minority floor leader, shall set the calendar of business and agenda/Order of Business of every session.
- (e) Upon direction by the Presiding Officer, the Secretary shall prepare the Order of Business to include those matters under the Calendar of Business in coordination with the Majority and Minority Floor Leaders.

SECTION 4. PRESIDING OFFICER'S TIME. In exception to the 3-Reading Rule for proposed ordinances and 2-Reading Rule for proposed resolutions, proposed legislative measures may be included in the Order of Business specifically under the Presiding Officer's Time for immediate approval, provided, the three (3) requisites are present:

- a) Urgent proposed ordinance/resolution – when its urgency is certified to by the Honorable Mayor or determined by the Honorable Vice Mayor/Presiding Officer.
- b) Checked proposed ordinance/resolution –when the author of the proposed legislative measure has made researches in support of the said proposed ordinance/resolution, having been checked as to its validity and the rationality for its approval, and that, he is ready for a thorough deliberation without need of referring it to any committee for further study.

- c) Prepared proposed ordinance/resolution – when copies of the proposed ordinance/ resolution were duly signed by the author/s, and reproduced by the Secretariat for advance study of the Sanggunian members.
 (DILG Opinion No.027-09, May 27, 2009)

SECTION 5. DISTRIBUTION OF LEGISLATIVE DOCUMENTS. The order of business with calendar of business and attached documents shall be made available for pick up by the SB members or their representative at the office a day before the regular or special session, or it shall be distributed among the members a day before the session.

Article X
PROPOSED ORDINANCES, RESOLUTIONS

SECTION 1. KINDS OF ORDINANCES. The Sangguniang Bayan shall take notice of the following kinds of ordinances subject for legislative or Codal enactments, viz:

KIND OF ORDINANCE ACCORDING TO PURPOSE	PURPOSE	CODAL ENACTMENT	LEGAL BASIS	AFFECTED PARTY
1.General Ordinance or Regulatory Ordinance	General Welfare Regulate human action	1)General Welfare Code of Loon 2)The Environment Code of Loon 3)The Coastal Code of Loon 4)The Child Welfare Code of Loon 5)The Disaster and Public Safety Code of Loon 6)Health and Sanitation Code of Loon 7)Gender & Development Code 8)Traffic Code	Sec 447,a, RA 7160; Sec.16, RA 7160; Sec 391,1, RA 7160 Sec 447,a,1,vi,RA 7160 Sec 17,b,2,ii Sec 17,b,2,vi -Sec 17,b,2,(i),RA 7160 - Sec 447,a,1,v; Sec,5,xiv,RA 7160 -Sec 447a,1,iv,RA 7160 -ibid,4,vi -Sec 447,4,ii,iii,ix;ibid,5,xiii -Sec 17,b,2,iii;ibid,5,xii -Sec 447,a,5,xiv,xvii,,a,1,v -Sec 447,a,5,v,vi, 3,vi	Constituents/ Transients
2. Revenue Ordinance	Income	The Revenue Code of Loon	Sec447,a,2,3,RA 7160; -ibid,2,ii;3,i -ibid,2,iii -ibid,2,iv -ibid, 2 v -ibid,2,xii -ibid,2,xiii -ibid,3,iii -ibid,3,v , RA 7160 Sec 391,2,RA 7160	Constituents/ Transients, Businessmen
3.Appropriation Ordinance	Expenses		Sec 447a,2,l ; Sec 391,3,RA 7160	LGU officials, employees/ staff, barangay officials
4. Administrative Ordinance	Good Governanc e	The Administrative Code of Loon	Sec447,a,1,vii,RA 7160 -Sec 447,a,1,viii,RA 7160; -Ibid,a,1,ix, -ibid,a,1,xi - Ibid,a,1,xii Sections 387a, 387b -395, Sec 396, RA 7160;DILG Opinion No.102,s.2007	LGU and barangay officials, employees/ staff
5.Developmental Ordinance	Socio-economic stability	1)The Revised Zoning Code of Loon 2)The Tourism Code of Loon 3)The Agri-Health Code 4)The C-HEARTS Code 5) The LGU Economic Enterprise Code 6)The Economic Welfare Code 7) Socialized Housing Code of Loon 8))Investment, Trade and Commerce Code	a)Sec. 20a, RA 7160- reclassifying agricultural lands b) Sec 11b, RA 7160; Sec.11c, RA 7160; DILG Opinion 20 s. 2000- transfer of LGU offices and facilities c) Sec 17,b,2,iii;ibid,5,xii d) Sec. 33, RA 7160- consolidation of LGU resources & services for common benefits; Sec 447,a,5,vii -Sec 17,b,2,ix,x e)Sec 447,3,ii;Sec 55,RA 7160- an ordinance directing the payment of money or creating liability	Public-private

			f) -Sec 447,a,2,xv,,3,iv,vii; ibid 5,ii, iii, iv	
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SECTION 2. AUTHORSHIP. Authorship to the proposed ordinances/resolutions shall be done in the following manner:

- a) Original authorship. Proposed ordinances and resolutions shall be made in writing and shall contain a title or caption, enacting or ordaining clause and the date of its effectivity. They shall be signed by the original author or authors and shall be filed with the Secretary who shall record them in his books indicating the following basic information: name of the author or authors, title of the proposed ordinance or resolution, date filed, and the number assigned to it. They shall be numbered consecutively stating the year, such as Proposed Ordinance No. 01, Series of 20__ or Proposed Resolution No. 15, Series of 20__.
- b) Committee Co-Authorship. If the proposed ordinance or resolution contains substantial amendments or revision as a result of consolidation made by a committee, the concerned committee members may manifest their willingness to serve as co-authors of the said proposed legislative measure, in which case, their names shall be reflected as co-authors of the proposed ordinances or resolutions with their corresponding signatures affixed therein. However, any proposed amendment, refinement, or revision introduced by the committee shall be subject for deliberation and approval by the Sanggunian en banc, thereby presenting both the original and the committee version of the proposed legislative measures for appropriate deliberation.
- c) Sanggunian Co-authorship. No member of the Sanggunian, other than the committee members, shall be treated as co-author of any proposed legislative measure unless the following requisites are met: (a) The Sanggunian member has introduced substantial amendment to the proposed legislative measure during the period of deliberations, (b) he/she manifested to be the co-author of the said measure, (c) and the principal/original author welcomes such manifestation.
- d) En Banc Authorship. All ordinances duly enacted and resolutions passed by the Sangguniang Bayan shall be treated as a product of the corporate wisdom of the Sanggunian en banc, even the minority objects to its passage. Hence, final authorship to such measure shall be accredited to the Sangguniang Bayan insofar as the third parties or the public is concerned. The names of the original author/s, committee and Sanggunian co-authors shall be reflected only at the Record of Proposed Ordinances and Proposed Resolutions for purposes of Performance Assessment/ Evaluation/ Report.
- e) Executive authorship – wherein the mayor initiates and proposes legislative measures to the sangguniang bayan and, from time to time as the situation may require, provide such information and data needed or requested by said sanggunian in the performance of its legislative functions (Sec 444,b,1,iv, RA 7160).

In all the kinds of authorship, the Secretariat shall indicate such data in the record of proposed ordinances.

SECTION 3.COMMITTEE REFERRALS. Any proposed ordinance, proposed resolution, barangay ordinance, barangay resolution, executive order, motion, applications for subdivision project, franchise applications, messages and communications, or any measure or proposal appearing in the order of business for reference to the corresponding committees shall not be subject to debate or discussion or amendment. However, explanatory speech by the author, not to five (5) minutes may be allowed, following the reading of a particular matter for referral to a committee, with due respect to the period of sponsorship during second reading.

SECTION 4. PUBLIC HEARINGS. The following are the rules governing the conduct of Public Hearing:

- 1) Public hearing is NOT mandatory in ALL local legislative measures.
- 2) It is mandatory only in five (5) specific measures, such as:
 - a) Ordinance levying taxes, fees or charges (Sec. 186, 187, RA 7160).
 - b) Ordinance reclassifying agricultural lands (Sec. 20a, RA 7160)
 - c) Ordinance declaring the new site/seat of the Local Government Unit upon 2/3 votes of all its members (Sec 11b, RA 7160)
 - d) Ordinance/ resolution transferring the LGU offices and facilities upon concurrence of majority of all its members (Sec.11c, RA 7160; DILG Opinion 20 s. 2000)
 - e) Ordinance consolidating or coordinating the efforts, services and resources of LGU-Loon with other LGUs for purposes commonly beneficial to them, with the effect of contributing funds, real estate, equipment, and other kinds of property and

appointment or assignment of personnel in support of undertakings commonly beneficial to local government units (Sec. 33, RA 7160)

- 3) Legislators are not bound by the majority view of the people attending the public hearings. Local legislators are mandated to use their discretion and best judgment in serving the people (Hagonoy Market Vendor Association v. Municipality of Hagonoy, 2002).
- 4) The public hearing shall be conducted prior to the drafting of a committee report, so that the result of the public hearing shall be incorporated therein.
- 5) Urgent proposed ordinances /resolutions which is scheduled to be immediately approved in exception to the three (3) or two (2) reading rule, respectively, should pass first the required conduct of a public hearing prior to its inclusion in the Presiding Officer's Time, or any suspension of the house rules, or 3 readings in one session day, or during any special session to that effect. (Sections 186-187, RA 7160; DILG Opinion No.027-09, May 27, 2009; Malonzo vs. Zamora, 323 SCRA 875; DILG Opinion 024-05, March 10, 2005).

SECTION 5. COMMITTEE REPORTS.

- a) The committee to which the proposed ordinance or resolution has been referred should conduct a committee meeting prior to the drafting of a committee report.
- b) Committee reports duly signed by at least two members shall be filed with the Secretary who shall record the same in his book. The same shall be numbered consecutively, stating the year, for reference purposes. It shall be included in the Order of Business for the next session, provided, the same is submitted not later than 12:00 o'clock noon of Thursday , or two days before the rescheduled regular session.
- c) Debates or deliberations on the contents of the committee report shall be reserved when the legislative measure is calendared for deliberation during Second Reading.
- d) The report, consisting of the findings and recommendations of the majority of the members of the committee shall be made by its chairperson.

SECTION 6. URGENT PROPOSED MEASURES.

- 1) Proposed Ordinances/Resolutions treated as urgent, checked or well-researched and duly prepared by the Secretariat shall be deliberated for immediate approval, in any of the following manner:
 - a) It is calendared under item "Presiding Officer's Time" – pursuant to the "One Reading Rule" (DILG OpinionNo.027-09, May 27, 2009, page 8)
 - b) The 3 Readings are done in One Session Day –wherein after the committee receives the proposed ordinance, the body agrees to proceed on its deliberation on second reading, after which the same is approved on third reading in one session day. (Malonzo vs. Zamora, 323 SCRA 875, July 27, 1999; DILG Opinion No.024-05, March 10, 2005,p.5)
 - c) Suspension of the House Rules- With the consent of the Sanggunian, urgent matters may be submitted by the Majority Floor leader during the session. Urgent matters refer to those which involved public interest, the delay in the consideration of which will prejudice essential activities of the government. Hence, suspension of the house rules shall be secured by 2/3 votes among its members present to be preferably entertained under item "Other Matters" of the Order of Business.
- 2) Items treated as urgent and deliberated upon by the Sanggunian need not be supported by a committee report.
- 3) The approval of the items deliberated under Presiding Officer's Time, or by Suspension of the House Rules need not be submitted for third and final reading.

SECTION 7. PROCEDURE IN APPROVING ORDINANCES AND RESOLUTIONS.

- 1) Proposed Ordinances. Before a proposed ordinance could be finally enacted, it shall undergo three readings, as follows:
 - a) First Reading – which shall consist of the reading by the Secretary to the Sanggunian of the title of the proposed ordinance and resolution and the name/s of its author or authors, after which it shall be referred by the presiding officer to the appropriate committee or committees without debate.
 - b) Second Reading– at which the proposed ordinance, after having been sponsored or reported favorably by the committee chairperson or by any committee member designated for the purpose, shall be read in full in the manner recommended by the committee or committees, whereupon the measure shall be subject first to interpellation and debate, and then to amendments and all proper parliamentary procedure.

- c) Third or Final Reading– Upon the third reading of a proposed ordinance, no amendments thereto, except clerical/ grammatical errors, shall be allowed (DILG Opinion No.27-09,May 27,2009,p.8)and the vote thereon shall be taken immediately thereafter. No proposed ordinance shall be acted upon for third reading unless copies thereof in its final form have been distributed to the members to the Sanggunian at least a day before the session.
- 2) Proposed Resolutions. The procedures in approving the proposed ordinance shall be the same procedures in adopting proposed resolutions, except that they need not be presented for third reading. (Article 107, IRR, RA 7160; DILG Opinion No.24-05, March 10, 2005, pages 4-5)
- 3) Urgent measures. The above formalities may be dispensed with in case of an urgent matter requiring prompt action, as calendared under Presiding Officer's Time, or by suspension of the House Rules by 2/3 votes from among its members present.

SECTION 8. DELIBERATION OF THE PROPOSED MEASURES. The thorough deliberation of any proposed ordinance or resolution shall be done during the Second Reading, or when the proposed legislative measures are calendared under Presiding Officer's Time, or by suspension of the house rules.

SECTION 9. FLOW OF DELIBERATIONS. The flow of deliberation of any proposed ordinance/resolution shall be as follows:

- 1) Period of Sponsorship – to which the author/ authors shall deliver in a maximum of 10 minutes the rationale for the writing of said legislative measure.
- 2) Period of Deliberation – wherein the merits of the proposed ordinance/ resolution shall be deliberated and debated upon with corresponding proposed amendments.
- 3) Period of Amendment – wherein the proposed amendments to the proposed ordinance/ resolution shall be decided upon for possible incorporation in the final draft.
- 4) Period of Approval – to which the proposed ordinance/resolution shall be submitted for approval together with the amendments.

The opening or closing of every period in the flow of deliberations may be done upon motion of the Sanggunian member, or promptly by order of the Presiding Officer.

SECTION 10. APPROVAL OF ORDINANCES. Ordinances enacted by the Sangguniang Bayan shall be approved in three ways:

- a) Express Approval - by affixing the mayor's signature (Section 54a, RA 7160).
- b) Implied approval - by failure of the mayor to take action on it after the lapse of ten (10) days (Section 54b, RA 7160)
- c) Sanggunian Override - by 2/3 vote of all its members (Sections 54a, 55c, RA 7160)

SECTION 11. APPROVAL OF RESOLUTIONS. Resolutions, as a general rule, are not required to be submitted to the mayor for his approval except resolutions adopting local development plan and annual investment program (Section 59a, RA 7160). Resolutions approving the Municipal Development Plans and Annual Investment Program are in effect ordinances since they involve investment of public money (Pimentel, Jr., Aquilino, The Local Government Code of 1991, The Key to National Development, 1993, p. 165).

SECTION 12. APPROVED ORDINANCES AND RESOLUTIONS. Enacted ordinances and approved resolutions shall be numbered by the Secretary to the Sangguniang Bayan, stating the year of approval such as Ordinance No. 98-001, Series of 20____, or Resolution No. 98-001 Series of 20____, entered in his books, and he shall then transmit the same to the offices, departments, and other officials /personnel to which the said legislative documents are addressed.

SECTION 13. VETO POWER OF THE MAYOR. (Section 54, 55, RA 7160)

- 1) The Mayor may veto an ordinance or resolution only once. The veto shall be communicated by the local chief executive concerned to the sanggunian within ten (10) days; otherwise, the ordinance shall be deemed approved as if he had signed it. (Section 54a,b,RA 7160)
- 2) The Mayor may veto any ordinance such as administrative ordinance, regulatory/general ordinance, or developmental ordinance of the sangguniang bayan on the ground that it is ultra vires or prejudicial to the public welfare, stating his reasons therefor in writing. (Section 55a, RA 7160).
- 3) The Mayor shall have the power to veto any particular item or items of:
 - a) an appropriations ordinance

- b) an ordinance or resolution adopting a local development plan and public investment program
- c) an ordinance directing the payment of money or creating liability (Sec.55,b,RA 7160).
- 4) In such a case, the veto shall not affect the item or items which are not objected to. The vetoed item or items shall not take effect unless the sanggunian overrides the veto in the manner herein provided; otherwise, the item or items in the appropriations ordinance of the previous year corresponding to those vetoed, if any, shall be deemed reenacted.
- 5) The sanggunian may override the veto of the local chief executive concerned by two-thirds (2/3) vote of all its members, thereby making the ordinance or resolution effective for all legal intents and purposes, even without the approval of the local chief executive concerned. (Section 55 b,c, RA 7160).

SECTION 14. EXECUTIVE APPROVAL & SANGGUNIAN ORIENTATION-FORUM.

- a) Upon legislative approval by the Sangguniang Bayan and signature of the Presiding Officer certifying the passage of the ordinance, the Secretary shall forward such ordinance/ Code to the Mayor (Section 469,c,3, RA 7160) for his express executive approval. (Section 54a, RA 7160).
- b) If the Mayor manifests his express approval thereon, he shall sign such duly enacted ordinance/ Code in the presence of the Honorable Members of the Sangguniang Bayan and the Department/ Office heads and the concerned Civil Society Organizations called for the purpose.
- c) Thereupon, the Sanggunian Orientation-Forum shall be conducted with the presence of the author/s of the Code/ordinance, the Presiding Officer, and all other SB Members to back up the explanation and discussion by the Sanggunian Secretary to the implementing agencies, the PNP, Liga ng mga Barangay, barangay tanods, departments, offices, officials, employees, civil society organizations concerned on the merits and substance especially its penal sanctions for strict compliance of the provisions of the said Code/ordinance.

Article XI

REVIEW OF BARANGAY ORDINANCES

SECTION 1. SUBMISSION. Within ten (10) days after its enactment, the Sangguniang Barangay shall furnish copies of all barangay ordinances to the Sangguniang Bayan concerned for review as to whether the ordinance is consistent with law and municipal ordinances (Section 57, RA 7160).

SECTION 2. APPROVAL OF BARANGAY ORDINANCES. Barangay ordinances are approved not by the Sangguniang Bayan, nor of the punong barangay, but by majority of ALL the members of the Sangguniang Barangay. (Sections 54,c, RA 7160).

SECTION 3. SANGGUNIANG BAYAN ROLE. The role of the Sangguniang Bayan is not to approve the barangay ordinance, but to REVIEW ITS VALIDITY, declare it VALID or INVALID, in whole or in part, for a mandatory period of thirty days from date of receipt thereof. (Section 57a,b, RA 7160; Acaac Vs. Mayor Azcuna, G.R. No. 187378 September 30, 2013).

SECTION 4. EFFECTIVITY OF BARANGAY ORDINANCES.

- 1) Determination. It is the Sangguniang Barangay which determines the effectivity of the barangay ordinance. Hence, depending on the effectivity clause of the barangay ordinance, the barangay may implement it pending declaration of validity by the Sangguniang Bayan. (Sections 54,c, 59a, 511a, 332-333, 57c, 58, RA 7160; DILG Opinion No.030-005, May 9, 2005, page 3; DILG Opinion No.002-11, Jan.6,2011; DILG Opinion No.7, Feb.12, 2009).
- 2) Implementation. The implementation of the barangay ordinance depends upon the effectivity clause provided for in such an ordinance, to be determined by majority of ALL the members of the Sangguniang Barangay who approves the same. (Section 54c, 59a, 511a, 332).
- 3) Effective Pending Review. If the Sangguniang Barangay has no doubt as to the validity of their barangay ordinance, they may provide in their effectivity clause for it to take effect "pending review" by the Sangguniang Bayan, as follows:
 - a) Barangay Annual Appropriation Ordinance – fixed by law on January 1 (Sec.332, RA 7160)
 - b) Barangay Supplemental Appropriation Ordinance – on the date of its approval by majority of all the members of the Sangguniang Barangay (Sec. 54c, RA 7160) or on a date fixed therein (Sec.332, 2nd paragraph RA 7160)
 - c) Barangay "penal" Ordinances or those which impose fines/ sanctions (general/regulatory, revenue, administrative, or developmental ordinances) – after

posting copies of such ordinances with penal sanctions at the prominent places of the barangay hall for a period of three (3) consecutive weeks, or 21 days (Sec.511a, RA 7160).

- d) Barangay ordinances “without penal sanctions” (general/regulatory, revenue, administrative, or developmental) – after posting copies of such ordinances at the entrance of the barangay hall and in two (2) other conspicuous places of the barangay for a period of ten (10) days (Section 59a, RA 7160).
- 3) **Effective After Review.** If the Sangguniang Bayan is doubtful as to the validity of their enacted barangay ordinance, except on Annual Appropriation Ordinance which effectivity is fixed by law on the first day of January, they may provide the effectivity of all other ordinances “after declaration of validity by the Sangguniang Bayan within the 30-day period from the date of receipt thereof pursuant to Section 57 of RA 7160”.
- 4) **Effective After the Lapse of 30 Days.** Except the Annual Appropriation Ordinance with 60-day review period, the Sangguniang Barangay may provide the effectivity of all other barangay ordinances upon the lapse of the mandatory 30-day period as provided for under Section 57b, RA 7160.
- 5) **Enforcement.** Even pending review by the Sangguniang Bayan, an ordinance can be validly enforced because its effectivity is determined not upon review thereof but rather on the date of effectivity as provided in the ordinance itself, or in the absence of its effectivity date, after 10 days from the date a copy of such ordinance is posted in the bulletin board of the municipal hall and in at least 2 other conspicuous places in the municipality. (DILG-CAR Opinion No.01-10,s.2001).
- 6) **Suspended effectivity.** Within 30-day period, the effectivity of barangay ordinance pending review can be suspended if the same is returned to the Sangguniang Barangay for corrections until it is resubmitted to the office of the Sangguniang Bayan for final consideration. (Section 57c, RA 7160)
- 7) **Scope of Review.** The Sangguniang Bayan determines the validity, not the effectivity of barangay ordinances. It reviews its validity, not effectivity.

SECTION 5. WITHDRAWN BARANGAY ORDINANCE. Withdrawal of any barangay ordinance from the office of the Sangguniang Bayan Secretary shall not affect the effectivity or validity of the said ordinance. It can only be amended or repealed by another barangay ordinance. (DILG Opinion 019-09, April 29, 2009; City of Manila vs. Reyes, 99 Phil. 986, 1956)

SECTION 6. REVIEW PROCESS. The review as to the validity or invalidity of barangay ordinances shall be done in the following manner:

- 1) **Committee Referral.** Barangay ordinances shall be referred for preliminary review and further study to the respective committees as follows:
 - a) Barangay Appropriation Ordinances – to the Committee on Finance, Budget and Appropriations.
 - b) Barangay Revenue Ordinances - to the Committee on Codification, Rules and Legal Matters as the lead committee which may also be referred to any other concerned committee/s.
 - c) Barangay General/Regulatory Ordinances – to the Committee on Barangay Affairs as the lead committee which may also be referred to any other concerned committees.
 - d) Barangay Administrative Ordinances – to the Committee on Good Government, Public Ethics and Accountability.
 - e) Barangay Developmental Ordinances – to the Committee on Finance, Budget and Appropriations, and Committee on Barangay Affairs.
- 2) **Sanggunian Review.** The Sangguniang Bayan shall review its validity or invalidity, or return the same with comments and recommended corrections. (Section 57, RA 7160).
- 3) **Review Period.** The review period shall be strictly adhered to, as follows:
 - a) 60 days – for barangay appropriation ordinances (Sec.333, RA 7160)
 - b) 30 days-for other barangay ordinances such as general/regulatory ordinance, revenue ordinance, administrative ordinance, developmental ordinance (Sec 57 RA 7160)
- 4) **Administrative District Follow-up.** It shall be the duty and responsibility of the District Kagawad to ensure the prompt action for review of barangay ordinances and related documents or concerns within his district.

SECTION 7. SANGGUNIAN ACTIONS.

- 1) **Take Action.** The Sangguniang Bayan is mandated to “take action” on the submitted barangay ordinances for review within a period of 30 days in the following manner:

- a) The Sanggunian committee or the Sanggunian en banc returns the barangay ordinance within the prescribed 30-day period with comments and recommendations for adjustment, amendment or modification, in which case, the effectivity of the barangay ordinance is suspended until such time as the revision called for is effected. (Section 57,c, RA 7160).
 - b) The Sangguniang Bayan may pass a resolution declaring its validity pursuant to Section 391, RA 7160.
 - c) The Sangguniang Bayan may pass a resolution declaring its invalidity.
- 2) Committee referral. A referral to the Committee for appropriate study and recommendation shall not be considered "Take Action", and cannot be used as a justification for failure of the Sanggunian to return it with recommended corrections, or declaration of validity or invalidity. The phrase "take action" should be construed as either APPROVAL OR DISAPPROVAL of the ordinance and not just any other action of the reviewing sanggunian, such as referral to a committee (DILG Opinion 30 s. 2005; DILG Opinion 16 s. 2009; DILG Opinion 60 s. 2008).
 - 3) 30-day period. The 30-day period is absolute and is not interrupted by the intervening actions taken in between by the body such as referrals to committee meetings/hearings, public hearings, period of debates amendments, etc. (DILG Opinion 16, s. 2009).

SECTION 8. DECLARATION OF VALIDITY. Declaration of Validity of Barangay Ordinances is done in two ways:

- a) Express declaration of validity. The review and declaration of validity of barangay ordinances should be done within the mandatory period of thirty calendar days through the passage of a resolution declaring it valid pursuant to Section 391 of RA 7160. (Section 57a,b, RA 7160; DILG Opinion 151 s. 2010 dated November 25, 2010)
- b) Implied declaration of validity. The barangay ordinance shall be "deemed approved"/ "impliedly declared valid" for failure of the Sangguniang Bayan or its committee to return the barangay ordinance with recommended corrections, or to take action on it after the expiration of the mandatory 30 calendar days. (Section 57b,RA 7160; Acaac Vs. Mayor Azcuna, G.R. No. 187378 September 30, 2013;DILG Opinion No.030-05,May 9, 2005;DILG Opinion No.002-11, Jan.6,2011; DILG Opinion No.019-09, April 28, 2009; DILG Opinion No.78, May 24, 2002; Black on Interpretation of Laws,pp.544-552; Vda de Mesa vs. Mencias, GR No.. L-24583, Oct.29, 1996).

SECTION 9. DECLARATION OF INVALIDITY. The review and declaration of invalidity of barangay ordinances should be done within the mandatory period of thirty calendar days (Section 57b, RA 7160; DILG Opinion No.7, February 12, 2009). Otherwise, the Sangguniang Bayan is stripped of its power to review and the ordinance becomes fully effective. (Vda de Mesa vs. Mencias, GR No.. L-24583, Oct.29, 1996; DILG Opinion No.78, May 24, 2002).

SECTION 10. MANDATORY 30-DAY PERIOD.

- 1) The 30-day period prescribed by law for the Sangguniang Bayan to review is mandatory. (DILG Opinion No.019-09, April 28, 2009; DILG Opinion No.78, May 24, 2002; Black on Interpretation of Laws, pp.544-552; Vda de Mesa vs. Mencias, GR No.. L-24583, Oct.29, 1996).
- 2) The disapproval rendered outside of the 30-day reglementary period provided in Section 57a,b of RA 7160 suffers legal infirmity (DILG Opinion No.078-02, May 24, 2002).

SECTION 11. AFTER THE 30-DAY PERIOD. Any issue as to its legality/ validity of the barangay ordinance after the 30-day mandatory period of review shall be coursed through a special civil action of Declaratory Relief before the Regional Trial Court, in which case, no provision thereof shall be enforced until after ruling from the court regarding the subject ordinance. (DILG Opinion No.140, s.1999; DILG-CAR Opinion No.030-50, August 27, 2003; DILG Opinion No.115, July 9, 2010; Section 1, Rule 63, Revised Rules of Court).

SECTION 12. ENFORCEMENT OF DISAPPROVED BARANGAY ORDINANCES.

- 1) Any attempt to enforce any ordinance or any resolution approving the local development plan and public investment program, after the disapproval thereof, shall be sufficient ground for the suspension or dismissal of the official or employee concerned. (Section 58, RA 7160).
- 2) Barangay ordinance declared invalid by the Sangguniang Bayan after the reglementary period of thirty (30) calendar days and after the same has been implemented having been treated as "deemed approved" may be challenged by the barangay with the assistance of the

Provincial Legal Office, or may appear in the Regional Trial Court for Declaratory Relief duly filed by the affected party.

SECTION 13. CORRECTION OF BARANGAY ORDINANCES.

- 1) Modes. The Sangguniang Bayan shall correct the barangay ordinances duly submitted for review in three modes:
 - a) For adjustment – if the error is a matter of form, not of substance, such as clerical errors, the format and the manner it is written, which can be corrected by the barangay secretary in supervision of the punong barangay, without need of holding barangay session.
 - b) For amendment – if it contains minor error which affects the substance of the barangay ordinance subject to be amended with Sanggunian or committee recommendation, by holding a barangay session.
 - c) For modification – if it contains major corrections recommended by the Sanggunian or committee, subject for appropriate action by the Sangguniang Barangay. (Section 57c, RA 7160).
- 2) Effectivity. If the barangay ordinance provides its effectivity pending review by the Sangguniang Bayan, its implementation/effectivity shall be suspended until such time as the revision called for is effected, and the corrected barangay ordinance is re-submitted for final consideration and approval by the Sangguniang Bayan. (Section 57c, RA 7160)
- 3) Ways. The Sangguniang Bayan shall correct barangay ordinances in two ways:
 - a) Committee correction – wherein the committee assigned to review the validity of the barangay ordinance shall introduce its corrections and return the same to the punong barangay for its appropriate action within the 30-day reglementary period.
 - b) Sanggunian correction- wherein the Sangguniang Bayan, during its deliberation, finds any error to the barangay ordinance and introduce recommended corrections for consideration of the Sangguniang Barangay within the 30-day reglementary period, subject for re-submission for final consideration of the Sangguniang Bayan.

SECTION 14. REVIEW OF ANNUAL APPROPRIATION ORDINANCES. The following are the rules in the review on Validity of Annual Appropriation Ordinances:

- 1) Determine compliance to the Budgetary Requirements, as set forth under Section 324, RA 7160:
 - 1.1) The aggregate amount appropriated shall not exceed the estimates of income (Sec.324a, R 7160)
 - 1.2) Full provision shall be made for all statutory and contractual obligations, provided, the appropriation for payment of debts should not exceed 20% of its regular income (Sec.324b, RA 7160)
 - 1.3) Compliance to the following statutory or legal obligations, those imposed by law, such as:
 - a) At least 5% for Gender And Development (GAD) projects, programs and activities -Sec.2.4, 4.4, DBM-NEDA-NCRFW JMC No.2004-1; COA Circular 2009-020, May 15, 2009; DILG-DBM JMC 2011-1, April 13, 2011; Philippine Plan for Gender-Responsive Development (PPGD), 1995-2025; Executive Order No.273, approving and adopting PPGD; RA 7192, Women in Development and Nation-building Act ;Sec.30 RA 9401
 - b) 1% of IRA Fund for children programs, projects and activities - DILG MC No.2012-120, July 4, 2012; RA 9344
 - c) 1% of the total budget appropriations for Senior Citizens and Persons with Disabilities - RA 9442, amending RA 7277 ; LBC No.66, July 2, 2012; Section 32 of R.A. 9401 General Appropriation Act of 2007
 - 1.4) 5% barangay risk reduction/ calamity fund - RA 8185, Amending Section 324d of RA 7160 on Declaration of State of Calamity; DBM-DILG JMC No. 2003-1 dated March 20, 2003; Sec.324 d, RA 7160; IRR of RA 10121; RA 10121, Disaster Risk Reduction and Management Act of 2010

Although, there is no need of making a separate budget for the above items as the same can be attributed, if already included in the basic services under MOOE. (BOM for LGUs, 2008, p.269-270).

- 2) Determine compliance to the Personal Services (PS) limitation- that the total annual appropriations for personal services should not exceed 55% of the total annual realized income during the next preceding fiscal year pursuant to Sec 331b, RA 7160; Local Budget Circular No.98 dated October 14,2011; Local Budget Circular (LBC)No.63,Oct.22,1996; LBC No.74, June 15,2001 in application to Sec.331b, RA 7160, relative to the 55% PS limitation; Section 11.1 of Local Budget Circular No. 99 dtd. May 25, 2012; Local Budget Circular No.75, July 12, 2002, Guidelines on Personal Services (PS) Limitation.
- 3) Determine compliance in the use of 20% of the IRA to be shared/received by the barangay pursuant to Section 285d, RA 7160, Local Budget Circular No.66,July 2, 2012, re: FY 2013 IRA Level and Other Local Budget Preparation Matters, and pertinent provisions:
 - a) At least 20% of the IRA shall be allocated for economic, social, and environmental development projects (Sec.287,RA 7160;DILG-DBM JMC 2011-1) termed as 20% IRA Development Fund
 - b) Basic Services Fund – from IRA and other local resources intended for basic services as enumerated under Section 17b, RA 7160, particularly those devolved by the Department of Health (DOH), Department of Agriculture (DA), Department of Social Welfare and Development (DSWD), Department of Environment and Natural Resources (DENR) and other agencies of the government (Sec.2.3.1, LBC 66, July 2, 2012)
- 4) Determine compliance to other Budgetary Requirements:
 - a) 10% as SK Fund – from the general fund of the barangay (Section 329,RA 7160)
 - b) 2% as Discretionary Fund of the Punong Barangay – derived from actual receipts of basic Real Property Tax in the next preceding calendar year (Section 325 h, RA 7160)

SECTION 15. REVIEW OF SUPPLEMENTAL APPROPRIATION ORDINANCES. The following are the rules in the review on Validity of Supplemental Appropriation Ordinances:

- 1) An appropriation ordinance providing for the supplemental budget shall be enacted only once a month.
- 2) No ordinance providing for a supplemental budget shall be enacted except for the following:
 - a) Source of Funds- It must be supported by funds actually available as certified by the local treasurer; or by new revenue sources-
 - a.1)Funds actually available refers to the amount of money actually collected as certified by the local treasurer during a given fiscal year which is over and above the realized estimated income of that year. It is an actual income realized over and above the estimated income.
 - a.2)New revenue sources (New revenue sources- are those income collected but not reflected in the sources of income in the annual budget, which must be supported by the revenue ordinance and trial balance showing the actual collection- Nestor B. Visaya, PBO).
 - a.3)When there are savings in appropriation as certified by the barangay official concerned.
 - b) Instances when to enact Supplemental Appropriation Ordinance/ Supplemental Budgets:
 - b.1)The current priorities not being included in the annual budget, needs to be funded.
 - b.2)The object of expenditures in the annual budget / appropriation is found to be deficient.
 - b.3)In times of public calamity by way of budgetary realignment to set aside appropriations for the purchase of supplies and materials or the payment of services which are exceptionally urgent or absolutely indispensable to prevent imminent danger to, or loss of, life or property, in the jurisdiction of the LGU or in other areas affected by the disaster or calamity as determined and declared by the local sanggunian concerned. (Sec.324d RA 7160 as amended by RA 8185; DBM-DILG JMC No. 2003-1 dated March 20, 2003; DILG Memorandum Circular No.2012-73 dated April 17, 2012), or declared by the President and sanggunian, except barangay. Such ordinance shall clearly indicate the sources of funds available for appropriations, as certified under oath jointly by the local treasurer and the local accountant and attested

by the local chief executive, and the various items of appropriations affected, and the reasons for the change. (Article 417, IRR, Section 321, RA 7160)

SECTION 16. REVIEW OF GENERAL/REGULATORY ORDINANCES.

- 1) It must not contravene the Constitution or any statute.
- 2) It must not be unfair or oppressive.
- 3) It must not be partial or discriminatory.
- 4) It must not prohibit but may regulate trade.
- 5) It must be general and consistent with public policy.
- 6) It must not be unreasonable.”
(Magtajas vs Pryce Properties Corp., Inc. 234 SCRA 255; Tano vs. Socrates, 278 SCRA 154; DILG-CAR Opinion No. 03-50, August 25, 2003, page 2)

SECTION 17. REVIEW OF REVENUE ORDINANCES.

- 1) It must not contravene the Constitution
- 2) It must not contravene the statute/law
- 3) It must not be unfair or oppressive
- 4) It must not be partial or discriminatory
- 5) It must not prohibit but may regulate trade
- 6) It must be general and consistent with public policy
- 7) It must not be unreasonable
(Magtajas vs Pryce Properties Corp., Inc. 234 SCRA 255; Tano vs. Socrates, 278 SCRA 154; DILG-CAR Opinion No. 03-50, August 25, 2003, page 2)
- 8) It must not be inconsistent with the city/municipal ordinance
(DILG-CAR Opinion No. 03-50, August 27, 2003, p.3)
- 9) Conduct of Public Hearing (Sections 186-187, RA 7160; Articles 274-276, IRR, RA 7160.
“Public Hearing is required as a mandatory requisite before enactment ONLY in cases of local tax ordinances and revenue measures (Section 187, RA 7160; DILG-CAR Opinion No. 15, s. 1999); failure to comply with a mandatory procedural requirement has the effect of rendering void all the acts done in connection therewith” (DILG Opinion No. 76, s. 2002; Sibulo vda de Mesa vs. Judge Mencias, GR No. L-24583, Oct. 26, 1996; DILG-CAR Opinion No. 03-37, s. 2003).

The overall tests on the validity of a barangay revenue ordinance shall be observed as provided for under Section 186, RA 7160 as reiterated in Article 274, IRR of RA 7160 which provides: “Taxes, fees, or charges shall not be unjust, excessive, oppressive, confiscatory, or contrary to declared national policy; Provided further, That the ordinance levying such taxes, fees, or charges shall not be enacted without prior public hearing conducted for the purpose.”

Article XII
BARANGAY RESOLUTIONS

SECTION 1. REVIEW. Barangay Resolutions need not be submitted to the Sangguniang Bayan for review, except the two barangay resolutions:

- a) Resolution approving the Barangay Development Plan
- b) Resolution approving the Barangay Investment Program
(DILG Opinion 67, s. 2009; Section 59, RA 7160).

SECTION 2. INDORSEMENT. Barangay resolutions requesting financial assistance from the higher authorities/ government agencies may be submitted to the Sangguniang Bayan not for purposes of review but for purposes of favorable endorsement for most appropriate action by the addressed party.

SECTION 3. LGU CONCERN. Barangay resolutions requesting favorable action from any of the LGU offices shall be submitted to the said office, including the Sangguniang Bayan if it concerns barangay development projects.

Article XIII
LGU CONTRACTS

SECTION 1. AUTHORITY. The LGU cannot enter into any contract unless the Municipal Mayor is authorized by law, ordinance, (Section 444b, 1vi, RA 7160) or resolution passed by the Sangguniang Bayan. (Sec 22, RA 7160). It serves as a measure of check and balance, to temper the authority of the local chief executive (Quisumbing versus Garcia, 2008). What is required is prior authorization or

authority from the sangguniang panlungsod and not ratification (Vergara v. Office of the Ombudsman, 2009). Upon authorization by the sangguniang bayan, the mayor represents the municipality in all its business transactions and sign on its behalf all bonds, contracts, and obligations, and such other documents made pursuant to law or ordinance. (Sec 444b,1,vi, RA 7160)

SECTION 2. AUTHORITY BY APPROPRIATION ORDINANCE. Should the appropriation ordinance contain in sufficient detail the project and cost of a capital outlay such that all that the local chief executive needs to do after undergoing the requisite public bidding is to execute the contract, no further authorization is required, the appropriation ordinance already being sufficient.

SECTION 3. AUTHORITY BY RESOLUTION.

- 1) Contracts. No contract shall be entered into by the municipality as represented by the Municipal Mayor without prior authorization by the Sangguniang Bayan. (Sec.22, RA 7160)
- 2) Generic Appropriation. Should the appropriation ordinance describe the projects in generic terms such as "infrastructure projects," "inter-municipal waterworks, drainage and sewerage, flood control, and irrigation systems projects," "reclamation projects" or "roads and bridges," there is an obvious need for a covering contract for every specific project that in turn requires approval by the sanggunian." Legislative authorization is therefore required through the passage of a resolution.
- 3) Procurement Contracts. The Mayor shall secure first sanggunian's approval before entering into procurement contracts and to transmit the notice to proceed to the winning bidder not later than seven (7) calendar days therefrom." (Quisumbing v. Gov. Garcia, G.R. 175527, December 8, 2008).

SECTION 4. NOT RATIFICATION. In the absence of a resolution authorizing the Municipal Mayor to enter into a contract, ratification by the sangguniang bayan is not a requirement before the contract entered into by the local chief executive on behalf of the municipality becomes enforceable. (Municipality of Tiwi v. Betito, G.R. 171873, July 9, 2010).

SECTION 5. LGU CONTRACTS. Subject to the passage of a resolution with legal guidance by the Municipal Legal Officer or Provincial Legal Office, the LGU may enter into any of the following contracts intended for the development of the municipality, viz:

- 1) Memorandum of Agreement (MOA) – wherein the LGU enters into an agreement with the other party to cooperate on an agreed upon project or meet an agreed objective.
- 2) Memorandum of Understanding (MOU) – wherein the LGU enters into a bilateral or multilateral agreement between two or more parties. It is a more formal alternative to a gentlemen's agreement with four required elements : offer and acceptance, consideration, and the intention to be legally bound (animus contrahendi). ([https://en.wikipedia.org/wiki/Memorandum of Understanding](https://en.wikipedia.org/wiki/Memorandum_of_Understanding))
- 3) Deed of Donation – wherein the LGU, by virtue of an act of liberality, may dispose or acquire ownership over a certain property or right (Articles 725-773, Civil Code)
- 4) Deed/ Contract of Sale –wherein the LGU shall acquire or dispose of any property in consideration of a price certain in money or its equivalent (Articles 1458-1635, Civil Code; Land Registration Act, Property Registration Decree, Real Estate Laws)
- 5) Deed of Barter – wherein the LGU shall barter/exchange any of its property with the property of another (Articles 1638-1641, Civil Code)
- 6) Deed of Assignment –wherein the LGU may be the assignor or assignee of real estate in payment of debt (Articles 1624-1635, Civil Code)
- 7) Antichresis – wherein the LGU shall acquire enjoyment and receive the fruits of a real property belonging to the debtor in payment of the interest and thereafter to the principal, within the period agreed upon; or the creditor shall receive the fruits of a specific municipal real property in payment of the LGU's debt on specific date (Articles 2132-2139, Civil Code; Act No.3135 Extrajudicial Foreclosure, PD 1529 Sec 63 Foreclosure of Mortgage; Rule 68 Foreclosure of Real Estate Mortgage, Revised Rules of Court)
- 8) Easement – wherein the LGU may be the owner of a dominant estate to which the easement is established in favor of such immovable property, or the municipality may be the owner of the servient estate which is subject thereto, on any of the following easements, viz: legal easement of right of way, legal easement of drainage of waters/ natural easement of waters, legal easement of aqueduct, legal easement of party wall, legal easement of light and view, voluntary easements (Articles 613-693, Civil Code)
- 9) Lease – wherein subject to the provision of the Revenue Code of Loon, Bohol, the municipal property shall be leased/used by another person for a fee on specific period not exceeding 99

years, or the municipality shall lease/use the property of another for a price certain within a specific period; or both may enter into a lease of service or work for a price certain without principal-agent relations (Articles 1642,1643-1766, Civil Code; PD 1517, PD 2016, LOI 935, Proclamations 1893, 1967, Rule 70 Rules of Court, BP 877)

- 10) Contract of Labor – wherein the municipality may hire the services of some workers by virtue of a contract of labor subject to daily wage (Articles 1700-1712, Civil Code) . Appurtenant thereto, the municipality shall also be vigilant in the implementation of the following related laws:
- (a) Republic Act No. 6640 - An act providing for an increase in the wage of public or government sector employees on a daily wage basis and in the statutory minimum wage and salary rates of employees and workers in the private sector and for other purposes.
 - (b) RA 7658- Protecting the Employment of Children Below 15 Years
 - (c) RA 7610- Protection Against Child Abuse
 - (d) RA 7877- Anti-Sexual Harassment Act

Their contract of service shall be renewable for another six months depending on their performance upon determination and favorable recommendation of the Performance Management Team and the Head of Office and the discretion of the local chief executive, without need of SB resolution, provided, there is no change as to the terms and conditions of the existing contract.

- 11) Contract for Piece of Work –wherein the LGU may enter into a contract for a piece of work to which the contractor binds himself to execute a piece of work in consideration of a certain price or compensation, upon which the contractor may employ his labor or skill, or also furnish the material. (Articles 1713-1731, Civil Code). Sometimes, it is called “Pakyaw contract” wherein a certain project/ piece of work duly covered by a program of work is to be executed upon by the other party known as the contractor with the terms and conditions agreed upon by both parties.
- 12) Usufruct –wherein the municipality may avail of the free use and enjoy the fruits of a real or personal property for a specific period or may lend such property for free use in favor of another (Articles 562-612, Civil Code)
- 13) Real Estate Mortgage –wherein the municipality may conditionally convey a real property as security for a loan, while retaining its possession and use (Articles 2124-2131, Civil Code)
- 14) Chattel Mortgage – wherein the municipality may conditionally convey a personal property as security for a loan, while retaining its possession and use (Articles 2140-2141, Civil Code)
- 15) Pledge –wherein the municipality may temporarily take possession of a personal property from a debtor as security for the payment of a debt, or may temporarily convey a municipal personal property to a creditor or third party as security for the payment of a debt (Articles 2093-2123, Civil Code, PD 114 Pawnshop Regulation Act)
- 16) Simple Loan (Mutuum) – wherein the municipality has to borrow money or other consumable thing, with or without interest (Articles 1953-1961, Civil Code)

The following are the banking laws and those related to banking business:

- a) RA 7653 –New Central Bank Act
- b) RA 8791- The General Banking Act of 2000
- c) RA 7353 – Rural Banks Act
- d) RA 4093 – Private Development Banks Act
- e) RA 3779 – Saving and Loan Associations Act
- f) RA 8367 – Revised Non-Stock Savings and Loan Association Act
- g) PD 1034 – Offshore Banking Decree
- h) RA 3591, as amended by RA 7400 – Phil. Deposit Insurance Corporation (PDIC)
- i) RA 6938 – Cooperative Banks Act
- j) RA 1405 – Bank Deposit Secrecy Act
- k) RA 3936 – Unclaimed Balance Act
- l) RA 7721 – Banking Liberation Act
- m) RA 7906 – Thrift Banks Act
- n) EO No.80 – Philippine National Bank
- o) EO No.81 – Development Bank of the Philippines
- p) RA 3844 – Land Bank of the Philippines
- q) RA 6848 – Al-Amanah Islamic Investment Bank
- r) RA 3518, amended by RA 7169 - Philippine Veterans Bank
- s) RA 7354 – Phil. Postal Savings Bank
- t) RA 6426/ 6526 – Foreign Currency Deposit Act
- u) RA 8183 – Repeal of Uniform Currency Act

- v) RA 2655 - The Usury Law
 - w) RA 3765 - Truth In Lending Act
 - x) RA 1956 – The Insolvency Act
 - y) RA 8799 - The Securities Regulation Code
 - z) RA 3135 – Real Estate Mortgage Act (Articles 2085-2131, Civil Code)
 - aa) RA 1508 – Chattel Mortgage Act (Articles 2140-2141, Civil Code)
 - bb) RA 5980 – Financing Company Act
 - cc) PD 1688 – Venture Capital Corporation
 - dd) PD 114 – Pawnshop Regulation Act
 - ee) RA 2629 – Investment Company Act
 - ff) PD 129 - Investment Houses Decree
 - gg) EO No.226 – Omnibus Investment Code of 1987
 - hh) RA 7042 – Foreign Investment Act of 1991
 - ii) PD 66 as amended by EO 226 – Export Processing Zone Authority
 - jj) RA 3860 – Foreign Borrowing Act
 - kk) PD 941 – Philippine Export Council
 - ll) PD 1785 – Export Credit Corporation
 - mm) RA 9474 – Lending Company Regulation Act
 - nn) Investors Lease Act – June 4, 1993
- The following are the special government financing companies provided by law:
- oo) PD 550 – Philippine Export and Foreign Loan Guarantee Corporation
 - pp) PD 1267 – National Home Mortgage and Financing Corporation
 - qq) RA 6977 – Small Business Finance and Guarantee Corporation
 - rr) RA 7393 – Quedan and Rural Credit Guarantee Corporation
- 17) Commodatum Loan – wherein for a specific period, the municipality has to gratuitously borrow or lend a movable or immovable property and acquires the use of the thing loaned but not its fruits (Article 1933-1952, Civil Code)
 - 18) Deposit –wherein the municipality receives a personal property belonging to another with the principal purpose of safely keeping it and returning the same, duly constituted judicially or extra-judicially which is either voluntary or necessary as per compliance to a legal obligation or on occasion of calamity; or where the LGU has to deposit movable thing/s to a contracting party for purposes of safekeeping for a specific period (Articles 1962-2009, Civil Code)
 - 19) Insurance – wherein the municipality may insure a certain property or life against loss, damage or liability arising from an unknown or contingent event. The following are the pertinent laws:
 - (a) Republic Act No. 10607 - Revised Insurance Code of the Philippines
 - (b) RA 8291- Revised Government Service Insurance Act of 1977 with respect to the insurance of government employees
 - (c) RA 8282 – Social Security Act with respect to insurance of employees in private employment
 - (d) RA 656- Property Insurance Law dealing with government property
 - (e) RA 5756- Providing life, disability and accident insurance coverage to barangay officials
 - (f) RA 4898 and EO No.350 July 25,1987- which increases, integrates and rationalizes the insurance benefits of the barangay officials
 - (g) PD 1147 and EO 350 – which increases, integrates and rationalizes insurance benefits of members of the Sangguniang Bayan, Panlungsod, Panlalawigan
 - (h) RA 4898 and EO No.350 July 25,1987- which increases, integrates and rationalizes the insurance benefits of the barangay officials
 - (i) RA 3591 –Philippine Deposit Insurance Corporation
 - (j) RA 3124- Industrial Life Insurance
 - (k) PD 317 – Insurance Cooperatives
 - (l) RA 9829 – The Pre-Need Code of the Philippines, Dec.3,2009
 - (m) Articles 18, 739, 2011, 2012, 2021-2022, 2207, Civil Code
 - 20) Joint venture – when the LGU binds with another juridical person for some transient or temporary business objective which is similar to a partnership with commonality of interest and mutual right of control, not to mention the mode by which profits or losses are shared .
(www.chanrobles.com/legal5cc1d.htm).
 - 21) Dacion en Pago- when the LGU adopts a special mode of payment wherein the property is alienated to the creditor in satisfaction of a debt in money, which ultimately extinguishes the obligation to the extent of the value of the thing delivered, duly governed by the law on sales ^[24] (Article 1245, Civil Code.^[21] The Sangguniang Bayan may authorize the municipal Mayor for the LGU to alienate a municipal property in payment of its debt, or may acquire ownership over a certain thing in satisfaction of the LGU's debtor.

- 22) Novation of Contract – the Sangguniang Bayan may pass a resolution authorizing the municipal Mayor to sign for the novation of the contract which he previously entered into, either by changing its object or principal conditions, or by substituting another in place of the debtor, or by subrogating a third person in the rights of the creditor, with the intention of substantially extinguishing or modifying the same (4 Sanchez Roman 242; Government vs. Bautista, CA 37 Off.Gaz.1880; Articles 1291-1304, Civil Code; 8 Manresa, 5th Edition, Bk 1,p.751).
- 23) Reformation of Instrument – the Sangguniang Bayan may pass a resolution authorizing the municipal mayor to cause for the reformation of the instrument in order to embody the true intent of both parties in the contract, considering that the true intention of the parties to a perfected and valid contract are not expressed in the instrument purporting to embody the agreement, by reason of mistake, fraud, inequitable conduct or accident (Article 1359-1369, Civil Code; Civil Law Reviewer, Jurado,pp.782-784).
- 24) Annulment of Contract – the Sangguniang Bayan may, after finding out that the consent of the LGU is being vitiated by mistake, violence, intimidation, undue influence, or fraud, or the other party is incapable of giving consent to a contract, even there is no damage accruing thereto, pass a resolution authorizing the municipal mayor to annul the voidable contract, or to hire the services of a legal counsel for the annulment of a voidable contract, there being no meeting of the minds between the parties. (Civil Law Reviewer, Jurado,pp.782-783, 791-801; Article 1390, Civil Code).
- 25) Ratification or Confirmation of Contract – the Sangguniang Barangay, may pass a resolution expressly ratifying a voidable contract by way of declaring the renunciation of its right to annul the contract if with the knowledge of the reason which renders the contract voidable, such reason has been ceased. It is the act or means adopted by virtue of which efficacy is given to a contract which suffers from a vice of curable nullity wherein the consent of the other party is vitiated by mistake, violence, intimidation, undue influence, or fraud, or the other party is incapable of giving consent to a contract. (9 Manresa, 5th Edition, Bk 2,p.665; Civil Law Reviewer, Jurado, pp.797-801).
- 26) Rescission of Contract – the Sangguniang Bayan, after finding out the injury or damage, may pass a resolution authorizing the municipal mayor to rescind the contract when there is an injury or damage to one of the contracting parties or to third persons. (Civil Law Reviewer, Jurado, pp 784-791)
- 27) Unenforceable Contract – the Sangguniang Bayan, after finding out that the contract is defectively unenforceable considering that it may have been entered into “without authority”, or “in excess of authority”, or it failed to comply with the “Statute of Frauds”, or both of the contracting parties do not possess the required legal capacity, may pass a resolution authorizing the municipal mayor to recover the property or indemnify for the damages out of the duly executed unenforceable contract, or may pass a resolution authorizing the municipal mayor to ratify the duly executed unenforceable contract.
(Articles 1403-1408, Civil Code; Civil Law Review, Jurado, pp.801-809).
- 28) Void or Inexistent Contract – the Sangguniang Bayan, after finding out that all of the requisites of a contract are present, but the cause, object or purpose is contrary to law, morals, good customs, public order, or public policy, or the contract itself is prohibited or declared by law to be void, or it being an Inexistent Contract when it absolutely lacks one or some or all of those requisites which are essential for its validity, may pass a resolution forbidding the municipal mayor to comply with the terms as embodied in the void or inexistent contract with the following defects:
 - a) The cause, object, or purpose is contrary to law, morals, good customs, public order, or public policy
 - b) The cause or object did not exist at the time of the transaction
 - c) The object is outside the commerce of men
 - d) The intention of the parties relative to the principal object of the contract cannot be ascertained
 - e) It is absolutely simulated or fictitious
 - f) It contemplates of an impossible service
 - g) It is expressly prohibited or declared void by law
(Article 1409, Civil Code)
 - h) It is a direct result of previous illegal contract (Art.1422, Civil Code)
 - i) There is no concurrence between offer and acceptance with regard to the object and the cause of the contract
 - j) There is no compliance with the required form where such form is essential for its validity.
(Articles 1409-1422, Civil Code; Civil Law Reviewer, Jurado, pp.809-822).

SECTION 1. CONTENTS. The Sanggunian shall keep the minutes of its proceedings which shall comprise of a succinct and exact account of the business transacted and the actions taken thereon. The minutes must clearly show the following:

- 1) nature of the session, whether regular or special, and if special, a copy of the call for such session;
- 2) date, time and place of the session;
- 3) names of members present, on leave, on official business, absent;
- 4) whether the minutes of the previous session were read and approved, citing corrections, if any;
- 5) textual copies of ordinances enacted and resolutions adopted;
- 6) if the ordinance or resolution was not approved unanimously, a brief statement of the minority opinion;
- 7) nominal voting;
- 8) all main motions except those withdrawn;
- 9) points of order and appeals, whether sustained or lost;
- 10) time of adjournment and such matters in which the body ordains to entered.

The minutes shall be signed by the secretary and authenticated by the Presiding Officer, and shall be entered in a good well-bound record book. All members of the Sanggunian shall also countersign on each page of the minutes.

SECTION 2. READING AND APPROVAL. The minutes of every session shall be read and approved by a majority of the members present at the session at which they are read. However, the Chair may moto proprio dispense with the reading of the minutes or upon motion duly approved by a majority vote of all the members present.

SECTION 3. CORRECTION. Secretary's clerical errors shall be subject for correction. Hence, a motion for approval, as corrected, is required.

SECTION 4. AMENDMENTS. Any error during the deliberations may be corrected by way of amending its phraseology, or by adding or deleting any portion of the minutes. Hence, motion for approval, as amended, is required.

SECTION 5. NO CORRECTION. In the absence of any correction or amendment to the minutes, a motion for its adoption, is required.

SECTION 6. CONCURRENCE. Any correction or amendment proposed by any member shall be concurred in by majority of the members of the Sanggunian, or shall be decided upon by majority vote among the members who were present during the previous session.

SECTION 7. APPROVED MINUTES. The adopted/ approved minutes shall be signed by the secretary and authenticated by the Presiding Officer and the SB members on every page thereon, and shall be entered in a good well-bound record book.

Article XV **COMMITTEES OF THE SANGGUNIANG BAYAN**

SECTION 1. COMMITTEE DEFINED. A committee constitute one or more members of the sanggunian tasked to consider, investigate, or take action on matters or subjects referred to it for prompt and appropriate action.

SECTION 2. PRESIDING OFFICER. The Presiding Officer of the Sanggunian shall supervise for the functional operations all the Sanggunian committees for prompt disposal of the different items referred to them for appropriate action. The regular presiding officer of the Sanggunian shall have a voice and vote in all committees. He may sit in the meetings of any of the standing committees, may participate in the deliberation and committee decision-making. He cannot be a chairperson or member to any committee.

SECTION 3. COMPOSITION. Each standing committee shall be composed of a chairperson, vice-chairperson and member. No members shall be elected or allowed to sit in any committee which has jurisdiction over a matter regarding which such member has a direct personal or pecuniary interest.

SECTION 4. EXPANDED STANDING COMMITTEES OF THE SANGGUNIANG BAYAN. The following are the expanded standing committees of the Sangguniang Bayan:

- 1) COMMITTEE ON FINANCE, BUDGET AND APPROPRIATIONS

- 2) COMMITTEE ON GOOD GOVERNMENT, PUBLIC ETHICS, AND ACCOUNTABILITY
- 3) COMMITTEE ON CODIFICATION, RULES AND LEGAL MATTERS
- 4) COMMITTEE ON MORAL VALUES, PEACE AND ORDER AND PUBLIC SAFETY
- 5) COMMITTEE ON HEALTH AND SANITATION
- 6) COMMITTEE ON ENVIRONMENT
- 7) COMMITTEE ON AGRICULTURE AND FISHERIES
- 8) COMMITTEE ON HOUSING AND LAND UTILIZATION
- 9) COMMITTEE ON PUBLIC WORKS, COMMUNICATIONS & TRANSPORTATION
- 10) COMMITTEE ON CULTURE, HERITAGE, EDUCATION, ARTS, TALENTS, SCIENCES AND SKILLS (C-HEARTSS)
- 11) COMMITTEE ON FAMILY AND GENDER & DEVELOPMENT
- 12) COMMITTEE ON HUMAN RIGHTS, ACHIEVEMENTS AND RECOGNITIONS
- 13) COMMITTEE ON TOURISM
- 14) COMMITTEE ON BARANGAY AFFAIRS
- 15) COMMITTEE ON LGU ECONOMIC ENTERPRISES
- 16) COMMITTEE ON INVESTMENT, COMMERCE, TRADE AND INDUSTRY
- 17) COMMITTEE ON CIVIL SOCIETY ORGANIZATIONS (CSOs) AND COOPERATIVES
- 18) COMMITTEE ON EMPLOYMENT AND LABOR MANAGEMENT
- 19) COMMITTEE ON LIVELIHOOD AND BARANGAY MICRO-BUSINESS ENTERPRISES (BMBEs)
- 20) COMMITTEE ON SOCIO-CULTURAL AFFAIRS, SPORTS, GAMES AND AMUSEMENTS

SECTION 5. COMMITTEE ON FINANCE, BUDGET AND APPROPRIATIONS. The committee shall propose or study proposed ordinances or resolutions or any subject matter affecting the following matters:

- a) local taxes, fees and charges, loans and other sources of local revenues, or revision/ amendments of the Revenue Code of Loon
- b) legislative tracking and monitoring in the honest implementation of the Revenue Code, in coordination with the Municipal Treasurer's Office
- c) annual and supplemental budgets
- d) drafting of proposed annual or supplemental appropriation ordinances
- e) all matters related to local taxation and fiscal administration
- f) review of barangay annual and supplemental appropriation ordinances
- g) reviews barangay developmental ordinances with Committee on Barangay Affairs, such as: those affecting:
 - (a) reclassification of agricultural lands - Sec. 20a, RA 7160
 - (b) new site of LGU- Sec 11b, RA 7160
 - (c) transfer of LGU offices and facilities - Sec.11c, RA 7160; DILG Opinion 20 s. 2000
 - (d) consolidation of LGU resources & services for common benefits- Sec. 33, RA 7160
 - (e) an ordinance directing the payment of money or creating liability- Sec 55, RA 7160

SECTION 6. COMMITTEE ON GOOD GOVERNMENT, PUBLIC ETHICS, AND ACCOUNTABILITY. The committee shall propose or study proposed ordinances or resolutions or any subject matter affecting the following matters:

- 1) enactment, revision, or amendments of the Administrative Code of Loon
- 2) issues and concerns on LGU organization and management, personnel administration, position classification and pay plan, staffing patterns
- 3) creation of position
- 4) performance of LGU officials and employees, per coordination with the Performance Management Team (PMT), and recommendation for their corresponding promotions and other awards
- 5) employees and officials' welfare benefits
- 6) policy formulation for the economical, efficient and effective local government administration
- 7) conduct and ethical standards for local officials and employees
- 8) review of barangay administrative ordinances
- 9) serves as support committee with the lead Committee on Barangay Affairs in resolving barangay boundary disputes
- 10) disciplinary powers/ administrative cases over LGU officials and employees, contractual and job order workers
- 11) all other matters related to good governance.

SECTION 7. COMMITTEE ON CODIFICATION, RULES AND LEGAL MATTERS. The committee shall propose or study proposed ordinances or resolutions or any subject matter affecting the following matters:

- 1) sanggunian internal rules and violations thereof
- 2) order of business and calendar of business
- 3) disorderly conduct of members and investigation thereof and privileges of members
- 4) enactment, revision or amendment of all kinds of ordinances, except appropriation ordinance

- 5) exercise of legislative powers comprising of the taxing power, police power, eminent domain, corporate powers, and propriety rights
- 6) legality of proposed measures to be acted upon by the Sanggunian
- 7) review of barangay revenue ordinances
- 8) acquisition or disposal of government real or personal properties
- 9) codification of ordinances / formulation of Codes
- 10) other legal issues to be resolved in coordination with the Provincial Legal Office, the Department of Justice, and the Congress
- 11) "unverified" administrative complaints against elective barangay officials- by providing legal assistance to barangay officials who, in the performance of their official duties or on the occasion thereof, have to initiate judicial proceedings or defend themselves against legal action (Sec.447a,1,xii, RA 7160)

SECTION 8. COMMITTEE ON MORAL VALUES, PEACE AND ORDER AND PUBLIC SAFETY. The committee shall propose or study proposed ordinances or resolutions or any subject matter affecting the following matters:

- 1) police matters, maintenance of peace and order, protective services
- 2) traffic rules and regulations, fire prevention and control measures
- 3) public morals, good customs and traditions
- 4) disasters and public safety
- 5) capability building for barangay tanods
- 6) crusade against prohibited drugs and illegal gambling activities
- 7) all other matters related to peace and order
- 8) preservation of moral values and virtues
- 9) institutionalization of the moral values in both public and private sector
- 10) legislative back for the 5 pillars of the criminal justice system: community, law enforcement, prosecution, courts, corrections

SECTION 9. COMMITTEE ON HEALTH AND SANITATION. The committee shall propose or study proposed ordinances or resolutions or any subject matter affecting the following matters:

- 1) health, sanitation or hygiene
- 2) cleanliness and beautification of the community
- 3) proposed measures related to hospitals, health centers, and health programs.
- 4) strict implementation, legislative tracking, revision or amendments of the Health and Sanitation Code
- 5) coordination with the Rural Health Stations and the barangay Health Workers for the maintenance of good health of the Loonanons

SECTION 10. COMMITTEE ON ENVIRONMENT. The committee shall propose or study proposed ordinances or resolutions or any subject matter affecting the following matters:

- 1) environmental protection, air and water pollution, wanton destruction of the environment and its natural resources, and all matters or measures affecting the environment
- 2) strict implementation, legislative tracking, revision or amendment of the Environment Code of Loon
- 3) realization of the pocket forests

SECTION 11. COMMITTEE ON AGRICULTURE AND FISHERIES. The committee shall propose or study proposed ordinances or resolutions or any subject matter affecting the following matters:

- 1) agricultural production, agricultural inputs, agricultural facilities
- 2) development of agri-business enterprises
- 3) all other matters related to agriculture, including plants, animals and marine and coastal resources
- 4) livelihood of marginalized farmers and fishermen
- 5) agricultural experiment station, agricultural economic research, livestock quarantine, soil survey and conservation, credit and farm security
- 6) matters relating to conservation, utilization and development of the fishing industry and aquatic resources

SECTION 12. COMMITTEE ON HOUSING LAND UTILIZATION. The committee shall propose or study proposed ordinances or resolutions or any subject matter affecting the following matters:

- 1) housing program, subdivision development/estate development
- 2) measures pertaining to land uses
- 3) zoning code enactment, revision or amendments
- 4) squatter problems
- 5) all matters related to housing and land utilization.

- 6) applications for simple or complex subdivision projects, miscellaneous sales applications
- 7) comprehensive land use plan, forest land use plan, etc.

SECTION 13. COMMITTEE ON PUBLIC WORKS, COMMUNICATIONS & TRANSPORTATION. The committee shall propose or study proposed ordinances or resolutions or any subject matter affecting the following matters:

- 1) construction, maintenance, and repair of roads, bridges and other government infrastructure projects
- 2) measures that pertain to drainage and sewerage system and similar projects
- 3) all other matters related to public works and infrastructure
- 4) matters relating to transportation (air, water, and land)
- 5) light, water, and telecommunications
- 6) communications including print, broadcast and tv media

SECTION 14. COMMITTEE ON CULTURE, HERITAGE, EDUCATION, ARTS, TALENTS, SCIENCE & SKILLS (C-HEARTSS) . The committee shall propose or study proposed ordinances or resolutions or any subject matter affecting the following matters:

- 1) formal and non-formal education
- 2) educational facilities
- 3) promotion of culture, arts, talents and skills
- 4) operation of educational institutions, both private and public
- 5) all matters related to education, culture, arts, talents, skills and heritage
- 6) matters of scientific interests/ concerns/ values

SECTION 15. COMMITTEE ON FAMILY AND GENDER & DEVELOPMENT. The committee shall propose or study proposed ordinances or resolutions or any subject matter affecting the following matters:

- 1) women's and children's welfare
- 2) gender concerns and benefits, rights and privileges, organizations, family welfare, social affairs
- 3) all other matters related to family solidarity and social concerns
- 4) concerns of women's associations, men's clubs, children's organizations
- 5) concerns of the senior citizens, persons with disabilities, the underprivileged sector, the sick and the needy sector
- 6) concerns of the veterans and related sector

SECTION 16. COMMITTEE ON HUMAN RIGHTS, ACHIEVEMENTS AND RECOGNITIONS. The committee shall propose or study proposed ordinances or resolutions or any subject matter affecting the following matters:

- 1) human rights concerns,
- 2) prevention of human rights violation
- 3) all matters affecting human rights
- 4) individual achievements, recognitions and awards
- 5) public and private service performance and merits promotion system

SECTION 17. COMMITTEE ON TOURISM. The committee shall propose or study proposed ordinances or resolutions or any subject matter affecting the following matters:

- 1) development of tourist spots, establishment of hotels, restaurants, beaches and recreation center
- 2) establishment of municipal or city sisterhood relationships
- 3) promotion of tourism industry, and beautification
- 4) discovery, promotion of tourism areas in every barangay, or anything of tourism value
- 5) formulation/ revision of the Tourism Code of Loon

SECTION 18. COMMITTEE ON BARANGAY AFFAIRS. The committee shall propose or study proposed ordinances or resolutions or any subject matter affecting the following matters:

- 1) preliminary conference on barangay boundary disputes
- 2) preliminary conference on complaints against elective barangay officials
- 2) naming and renaming of barangays, naming and renaming of barangay roads
- 3) review of barangay regulatory ordinances and executive orders issued by the Punong Barangay
- 4) reviews barangay developmental ordinances with Committee on Finance, such as: those affecting:
 - (a) reclassification of agricultural lands - Sec. Sec. 20a, RA 7160
 - (b) new site of LGU- Sec 11b, RA 7160
 - (c) transfer of LGU offices and facilities - Sec.11c, RA 7160; DILG Opinion 20 s. 2000
 - (d) consolidation of LGU resources & services for common benefits- Sec. 33, RA 7160

- (e) an ordinance directing the payment of money or creating liability- Sec 55, RA 7160
- 5) all matters pertaining to barangay government affairs

SECTION 19. COMMITTEE ON LGU ECONOMIC ENTERPRISES. The committee shall propose or study proposed ordinances or resolutions or any subject matter affecting the following matters:

- 1) administration/operation of Loon Central Public Market, Catagbacan Satellite Public Market, Loon Commercial Complex, Loon Terminal and Traffic System, Tourism Enterprise, Loon Waterworks System, Slaughterhouse enterprise, Sports and Socio-cultural enterprise, etc
- 2) measures pertaining to LGU economic enterprises
- 3) special fund out of its income less the operations and expansion expense, with net profit as general fund primarily intended for the LGU welfare benefits
- 4) improvement of economic enterprises facilities and its premises
- 5) enactment/revision of the LGU Economic Enterprise code
- 6) all other matters related to LGU Economic Enterprise administration

SECTION 20. COMMITTEE ON INVESTMENT, COMMERCE, TRADE AND INDUSTRY. The committee shall propose or study proposed ordinances or resolutions or any subject matter affecting the following matters:

- 1) establishment/operation of all kinds of trade and industry
- 2) measures that affect trade, commerce and industry
- 3) incentives to promote trade, commerce and industry
- 4) all other matters related to trade, commerce and industry
- 5) Loonanon and non-Loonanon capitalists
- 6) Private-Public Partnership economic enterprises, or joint venture projects
- 7) promote local and foreign investments

SECTION 21. COMMITTEE ON CIVIL SOCIETY ORGANIZATIONS (CSOs) AND COOPERATIVES. The committee shall propose or study proposed ordinances or resolutions or any subject matter affecting the following matters:

- 1) accreditation of Civil Society Organizations comprising of non-government organizations (NGOs), peoples organizations (PO), civic organizations, and similar groups, including their development and participation in local governance
- 2) accreditation in local special bodies, and the empowerment of such organizations towards a meaningful participation in all affairs of civic society
- 3) cooperatives organization and development, incentives to cooperatives
- 4) all matters affecting the cooperatives development program of the government
- 5) application of the Bottom-up Budgeting through the active participation of the CSOs as mandated under DBM-DILG-DSWD-NAPC Joint Memorandum Circular No.7, November 3, 2015, which takes into consideration the DEVELOPMENT NEEDS of this municipality as identified in the municipal poverty reduction action plan that shall be formulated with the strong participation of basic sector organizations and other civil society organizations
- 6) formulation of the Municipal Poverty Reduction Action Plan (M-PRAP) through the Municipal Poverty Reduction Action Team (M-PRAT) in coordination with the DSWD, DILG, the National Anti-Poverty Commission (NAPC) for enhanced BUB Process as part of the KALAHI-CIDSS/ National Community Driven Development Program.
- 7) Resolution approving the BuB priority projects of the municipality

SECTION 22. COMMITTEE ON EMPLOYMENT AND LABOR MANAGEMENT. The committee shall propose or study proposed ordinances or resolutions or any subject matter affecting the following matters:

- 1) evaluation of the labor force and unemployed sector
- 2) assessment of the underemployed sector
- 3) opening of jobs and employment processes in coordination with Philippine Employment Service Office and the private sector
- 4) settlement of labor and management issues and concerns
- 5) other matters affecting the growth of both the employees and the employers sectors

SECTION 23. COMMITTEE ON LIVELIHOOD AND BARANGAY MICRO-BUSINESS ENTERPRISES

- 1) promotes livelihood of Loonanons
- 2) functional operations of Barangay Micro-Business Enterprises (BMBEs) as provided for under RA 9178
- 3) guides in the smooth implementation of the Barangay Micro-Business Enterprises (BMBEs)
- 4) coordinates with the Municipal Treasurer's office for the accreditation, recognition and operation of BMBEs
- 5) facilitates the enjoyment of privileges and benefits of BMBEs
- 6) coordinates with the Committee on Trade and Industry, Committee on Employment, Labor and Management for the economic growth of the municipality

SECTION 24. COMMITTEE ON SOCIO-CULTURAL AFFAIRS, SPORTS, GAMES AND AMUSEMENTS. The committee shall propose or study proposed ordinances or resolutions or any subject matter affecting the following matters:

- 1) operations/establishment of amusement places
- 2) measures that affect the regulation of games and amusement including, but not limited to, theater and cinema, the promotion or holding of cockfights, boxing, basketball tournaments, and other kinds of games and amusements
- 3) all other matters related to games and amusements
- 4) sports development, youth welfare and development
- 5) socio-cultural affairs
- 6) talents and skills competitions

SECTION 25. DISTRIBUTION OF LEGISLATIVE FUNCTIONS. In addition to the foregoing committee concerns, the functions of the Sangguniang Bayan as embodied in Section 447 of RA 7160 shall be distributed to the following committees for their specialized legislative and executive actions:

SANGGUNIAN COMMITTEES	FUNCTION/ CONCERNS	LEGAL BASIS
Finance, Budget & Appropriations	<ul style="list-style-type: none"> Review barangay annual and supplemental appropriation ordinances Determine the positions and the salaries, wages, allowances and other emoluments and benefits of officials and employees paid wholly or mainly from municipal funds and provide for expenditures necessary for the proper conduct of programs, projects, services, and activities of the municipal government Authorize the payment of compensation to a qualified person not in the government service who fills up a temporary vacancy or grant honorarium to any qualified official or employee designated to fill a temporary vacancy in a concurrent capacity, at the rate authorized by law 	Sec 447a.1.i Sec 447,a,1,viii Sec 447,a,1,ix
	<ul style="list-style-type: none"> Provide for additional allowances and other benefits to judges, prosecutors, public elementary and high school teachers, and other national government officials stationed in or assigned to the municipality Approve the annual and supplemental budgets of the municipal government and appropriate funds for specific programs, projects, services and activities of the municipality, or for other purposes not contrary to law, in order to promote the general welfare of the municipality and its inhabitants Enact ordinances levying taxes, fees and charges, prescribing the rates thereof for general and specific purposes, and granting tax exemptions, incentives or reliefs Authorize the municipal mayor to negotiate and contract loans and other forms of indebtedness; Upon the majority vote of all the members of the sangguniang bayan, enact ordinances authorizing the floating of bonds or other instruments of indebtedness, for the purpose of raising funds to finance development projects; Appropriate funds for the construction and maintenance or the rental of buildings for the use of the municipality and, upon the majority vote of all the members of the sangguniang bayan, authorize the municipal mayor to lease to private parties such public buildings held in a proprietary capacity, subject to existing laws, rules and regulations; 	Sec 447,a,1,xi Sec 447,a,2,i Sec 447,a,2,ii Sec 447,a2,iii Sec 447,a2,iv Sec 447,a2,v

	<ul style="list-style-type: none"> • Prescribe reasonable limits and restraints on the use of property within the jurisdiction of the municipality • Grant loans or provide grants to other local government units or to national, provincial and municipal charitable, benevolent or educational institutions: Provided, That said institutions are operated and maintained within the municipality • Fix and impose reasonable fees and charges for all services rendered by the municipal government to private persons or entities 	Sec 447,a2,vi Sec 447,a2,xiii Sec 447,a3,i
Good Government, Public Ethics & Accountability	Review barangay administrative ordinances Enact administrative ordinance which determines the powers and duties of officials and employees of the municipality	Sec.447a,1,I Sec 447,a,1,vii
Codification, Rules & Legal Matters	<ul style="list-style-type: none"> • Review barangay revenue ordinances • Act on ordinances which impose a fine not exceeding Two thousand five hundred pesos (P2,500.00) or an imprisonment for a period not exceeding six (6) months, or both in the discretion of the court, for the violation of a municipal ordinance • Provide for legal assistance to barangay officials who, in the performance of their official duties or on the occasion thereof, have to initiate judicial proceedings or defend themselves against legal action; 	Sec 447a,1,I Sec 447,a,1,iii Sec 447,a,1,xii
Moral Values, Peace & Order & Public Safety	<ul style="list-style-type: none"> • Review barangay regulatory/general ordinances • Enact general/regulatory ordinance to prevent and suppress lawlessness, disorder, riot, violence, rebellion or sedition with corresponding penalties • Adopt measures to protect the inhabitants of the municipality from the harmful effects of man-made or natural disasters and calamities and to provide relief services and assistance for victims during and in the aftermath of said disasters or calamities and their return to productive livelihood following said events • Enact ordinances intended to prevent, suppress and impose appropriate penalties for habitual drunkenness in public places, vagrancy, mendicancy, prostitution, establishment and maintenance of houses of ill repute, gambling and other prohibited games of chance, fraudulent devices and ways to obtain money or property, drug addiction, maintenance of drug dens, drug pushing, juvenile delinquency, the printing, distribution or exhibition of obscene or pornographic materials or publications, and such other activities inimical to the welfare and morals of the inhabitants of the municipality • Provide a mechanism and the appropriate funds therefor, to ensure the safety and protection of all municipal government property, public documents, or records such as those relating to property inventory, land ownership, records of births, marriages, deaths, assessments, taxation, accounts, business permits, and such other records and documents of public interest in the offices and departments of the municipal government • Declare, prevent or abate any nuisance • Regulate the establishment and provide for the inspection of steam boilers or any heating device in 	Sec 447a,1,I Sec 447 a,1,ii Sec 447, a,1,iv Sec 447,a,1,v Sec 447,a,1,x Sec 447,a4,i

	buildings and the storage of inflammable and highly combustible materials within the municipality	Sec 447,a4,vi
Barangay Affairs	<ul style="list-style-type: none"> • Review barangay developmental ordinances • Review of executive orders issued by the punong barangay • Provide for group insurance or additional insurance coverage for barangay officials, including members of barangay tanod brigades and other service units, with public or private insurance companies, when the finances of the municipal government allow said coverage 	Sec 447a,1,i Sec. 33, Sec 55b,RA 7160 Sec 447,a,1,i Sec 447,a,1,xiii
Health & Sanitation	<ul style="list-style-type: none"> • Require that buildings and the premises thereof and any land within the municipality be kept and maintained in a sanitary condition; impose penalties for any violation thereof, or upon failure to comply with said requirement, have the work done and require the owner, administrator or tenant concerned to pay the expenses of the same; or require the filling up of any land or premises to a grade necessary for proper sanitation 	Sec 447,a4,ii
	<ul style="list-style-type: none"> • Regulate the disposal of clinical and other wastes from hospitals, clinics and other similar establishments • Regulate the establishment, operation, and maintenance of funeral parlors and the burial or cremation of the dead • Approve measures and adopt quarantine regulations to prevent the introduction and spread of diseases; • Provide for an efficient and effective system of solid waste and garbage collection and disposal and prohibit littering and the placing or throwing of garbage, refuse and other filth and wastes 	Sec 447,a4,iii Sec 447,a4,ix Sec 447,a,5,xii Sec 447,a,5,xiii
Environment	<ul style="list-style-type: none"> • Protect the environment and impose appropriate penalties for acts which endanger the environment, such as dynamite fishing and other forms of destructive fishing, illegal logging and smuggling of logs, smuggling of natural resources products and of endangered species of flora and fauna, slash and burn farming, and such other activities which result in pollution, acceleration of eutrophication of rivers and lakes, or of ecological imbalance • Provide for the establishment, maintenance, protection, and conservation of communal forests and water sheds, tree parks, greenbelts, mangroves, and other similar forest development projects 	Sec 447a,1,vi Sec 447,a5,i
Agriculture & Fisheries	<ul style="list-style-type: none"> • Grant the exclusive privilege of constructing fish corrals or fish pens, or the taking or catching of bangus fry, prawn fry or kawag-kawag or fry of any species or fish within the municipal waters • Provide for the impounding of stray animals; regulate the keeping of animals in homes or as part of a business, and the slaughter, sale or disposition of the same; and adopt measures to prevent and penalize cruelty to animals 	Sec 447,a2,xi Sec 447,a4,viii
Housing & Land Utilization	<ul style="list-style-type: none"> • Adopt a comprehensive land use plan for the municipality: Provided, That the formulation, adoption, or modification of said plan shall be in coordination with the approved provincial comprehensive land use plan • Reclassify land within the jurisdiction of the municipality, subject to the pertinent provisions of this Code; • Enact integrated zoning ordinances in consonance 	Sec 447,a2,vii Sec 447,a2,viii Sec 447,a2,ix

	with the approved comprehensive land use plan, subject to existing laws, rules and regulations; establish fire limits or zones, particularly in populous centers; and regulate the construction, repair or modification of buildings within said fire limits or zones in accordance with the provisions of the Fire Code;	
	<ul style="list-style-type: none"> • Subject to national law, process and approve subdivision plans for residential, commercial, or industrial purposes and other development purposes, and collect processing fees and other charges, the proceeds of which shall accrue entirely to the municipality: Provided, however, That, where approval by a national agency or office is required, said approval shall not be withheld for more than thirty (30) days from receipt of the application. Failure to act on the application within the period stated above shall be deemed as approval thereof • Regulate activities relative to the use of land, buildings and structures within the municipality in order to promote the general welfare 	<p>Sec 447,a2,x</p> <p>Sec 447,a,4</p>
Public Works & Utilities, Communications & Transportation	<ul style="list-style-type: none"> • Subject to the guidelines prescribed by the Department of Transportation and Communications, regulate the operation of tricycles and grant franchises for the operation thereof within the territorial jurisdiction of the municipality • Regulate the use of streets, avenues, alleys, sidewalks, bridges, parks and other public places and approve the construction, improvement, repair and maintenance of the same; establish bus and vehicle stops and terminals or regulate the use of the same by privately-owned vehicles which serve the public; regulate garages and the operation of conveyances for hire; designate stands to be occupied by public vehicles when not in use; regulate the putting up of signs, signposts, awnings and awning posts on the streets; and provide for the lighting, cleaning and sprinkling of streets and public places • Regulate traffic on all streets and bridges, prohibit the putting up of encroachments or obstacles thereon, and, when necessary in the interest of public welfare, authorize the removal of encroachments and illegal constructions in public places • Regulate the placing, stringing, attaching, installing, repair and construction of all gas mains, electric, telegraph and telephone wires, conduits, meters and other apparatus; and, provide for the correction, condemnation or removal of the same when found to be dangerous, defective or otherwise hazardous to the welfare of the inhabitants 	<p>Sec 447,a3,vi</p> <p>Sec 447,a,5,v</p> <p>Sec 447,a,5,vi</p> <p>Sec 447,a,5,ix</p>
Culture, Heritage, Education, Arts, Talents, Science & Skills (C-HEARTSS)	<ul style="list-style-type: none"> • Establish and provide for the operation of vocational and technical schools and similar post-secondary institutions and, with the approval of the Department of Education, Culture and Sports, fix and collect reasonable fees and other school charges on said institutions, subject to existing laws on tuition fees; • Establish a scholarship fund for poor but deserving students residing within the municipality in schools located within its jurisdiction • Establish a municipal council whose purpose is the promotion of culture and the arts, coordinate with 	<p>Sec 447,a,5,x</p> <p>Sec 447,a,5,xi</p> <p>Sec 447,a,5,xvi</p>

	government agencies and non-governmental organizations and, subject to the availability of funds, appropriate funds for the support and development of the same	
Family and Gender & Development	<ul style="list-style-type: none"> • Provide for the care of paupers, the aged, the sick, persons of unsound mind, disabled persons, abandoned minors, juvenile delinquents, drug dependents, abused children and other needy and disadvantaged persons, particularly children and youth below eighteen (18) years of age and, subject to availability of funds, establish and provide for the operation of centers and facilities for said needy and disadvantaged persons • Establish and provide for the maintenance and improvement of jails and detention centers, institute sound jail management programs, and appropriate funds for the subsistence of detainees and convicted prisoners in the municipality • Establish a municipal council for the elderly which shall formulate policies and adopt measures mutually beneficial to the elderly and to the community; provide incentives for non-governmental agencies and entities and, subject to the availability of funds, appropriate funds to support programs and projects for the benefit of the elderly 	<p>Sec 447,a,5,xiv</p> <p>Sec 447,a,5,xv</p> <p>Sec 447,a,5,xvii</p>
Human Rights, Achievements & Recognitions	<ul style="list-style-type: none"> • Local government units shall ensure and support, among other things, the preservation and enrichment of culture, promote health and safety, enhance the right of the people to a balanced ecology, encourage and support the development of appropriate and self-reliant scientific and technological capabilities, improve public morals, enhance economic prosperity and social justice, promote full employment among their residents, maintain peace and order, and preserve the comfort and convenience of their inhabitants <ul style="list-style-type: none"> A. Constitutional Bill of Rights: <ul style="list-style-type: none"> 1)Political rights- <ul style="list-style-type: none"> a)right of citizenship b)right to freedom of speech, expression c)right to freedom of the press d)right of assembly e)right to petition the government f) right to form associations g)right to information/ free access of government records 2)Civil rights- <ul style="list-style-type: none"> a)right to due process b) right to equal protection c)right to security d)right to privacy e) right against unreasonable searches and siezures f)right religious freedom g)right to liberty of abode and travel h) right to just compensation i)right to contractual obligation/ non-impairment of contracts j)right against involuntary servitude k)right to legal assistance/ free access to courts and quasi-judicial bodies 	<p>Sec 50,b,1; Sec.16, RA 7160</p> <p>Article III, 1987 Constitution</p>
	<ul style="list-style-type: none"> 3) Rights of the accused <ul style="list-style-type: none"> a)right to due process 	

	b)right to speedy disposition of cases c)right to bail d)right to be informed of his right to remain silent e)right to have competent and independent counsel f)right against torture, force, violence, intimidation g)right not to be detained at secret place h)right to be presumed innocent i)right to be heard j)right to be informed of the nature and cause of the accusation k)right to have speedy, impartial and public trial l)right to meet witnesses m)right to secure attendance of witnesses and production of evidence n)right against self-incrimination o)right to writ of habeas corpus p)right against cruel and unusual punishment q)right against excessive fines r)right against double jeopardy s)right against ex post facto law t)right against bill of attainder B. Office rights: a) right to promotion on merits system b) right to appointment on performance and qualification basis c) right to prompt release of salary/ wages, monthly allowances and uniform allowance, bonuses, terminal leave benefits and other welfare benefits due to the officials and employees d) right to avail of the welfare benefits a provided for by law or ordinance e) right to enjoy one hour recess out of the 8-hour working day f) right to a decent office and sanitary restrooms g) right to privacy of nursing mothers	
Tourism	<ul style="list-style-type: none"> Regulate the establishment, operation and maintenance of cafes, restaurants, beerhouses, hotels, motels, inns, pension houses, lodging houses, and other similar establishments, including tourist guides and transports Regulate the sale, giving away or dispensing of any intoxicating malt, vino, mixed or fermented liquors at any retail outlet 	Sec 447,a4,iv Sec 447,a4,v
LGU Economic Enterprises	<ul style="list-style-type: none"> Fix and impose reasonable fees and charges for all services rendered by the municipal government to private persons or entities Prescribe the terms and conditions under which public utilities owned by the municipality shall be operated by the municipal government or leased to private persons or entities, preferably cooperatives Establish markets, slaughterhouses or animal corrals and authorize the operation thereof, and regulate the construction and operation of private markets, talipapas or other similar buildings and structures 	Sec 447,a3,i Sec 447,a3,iii Sec 447,a,5,ii
	<ul style="list-style-type: none"> Provide for the establishment, operation, 	Sec 447,a,5,vii

	<p>maintenance, and repair of an efficient waterworks system to supply water for the inhabitants; regulate the construction, maintenance, repair and use of hydrants, pumps, cisterns and reservoirs; protect the purity and quantity of the water supply of the municipality and, for this purpose, extend the coverage of appropriate ordinances over all territory within the drainage area of said water supply and within one hundred (100) meters of the reservoir, conduit, canal, aqueduct, pumping station, or watershed used in connection with the water service; and regulate the consumption, use or wastage of water</p> <ul style="list-style-type: none"> Regulate the drilling and excavation of the ground for the laying of water, gas, sewer, and other pipes and the construction, repair and maintenance of public drains, sewers, cesspools, tunnels and similar structures; regulate the placing of poles and the use of crosswalks, curbs, and gutters; adopt measures to ensure public safety against open canals, manholes, live wires and other similar hazards to life and property; and, regulate the construction and use of private water closets, privies and other similar structures in buildings and homes 	Sec 447,a,5,viii
Investment, Trade, Commerce & Industry	<ul style="list-style-type: none"> With the concurrence of at least two-thirds (2/3) of all the members of the sangguniang bayan, grant tax exemptions, incentives or reliefs to entities engaged in community growth-inducing industries, subject to the provisions of Chapter 5, Title I, Book Regulate the inspection, weighing and measuring of articles of commerce. Regulate any business, occupation, or practice of profession or calling which does not require government examination within the municipality and the conditions under which the license for said business or practice of profession may be issued or revoked Regulate the display of and fix the license fees for signs, signboards, or billboards at the place or places where the profession or business advertised thereby is, in whole or in part, conducted 	<p>Sec 447,a2,xii</p> <p>Sec 447,a2,xv</p> <p>Sec 447,a3,ii</p> <p>Sec 447,3,iv</p>
	<ul style="list-style-type: none"> Upon approval by a majority vote of all the members of the sangguniang bayan, grant a franchise to any person, partnership, corporation, or cooperative to establish, construct, operate and maintain ferries, wharves, markets or slaughterhouses, or such other similar activities within the municipality as may be allowed by applicable laws: Provided, That, cooperatives shall be given preference in the grant of such a franchise Authorize the establishment, maintenance and operation of ferries, wharves, and other structures, and marine and seashore or offshore activities intended to accelerate productivity Regulate the preparation and sale of meat, poultry, fish, vegetables, fruits, fresh dairy products, and other foodstuffs for public consumption 	<p>Sec 447,a3,vii</p> <p>Sec 447,a,5,iii</p> <p>Sec 447,a,5,iv</p>
Civil Society Organizations (CSOs) & Cooperatives	<p>Local Development Councils — The duly designated representatives of accredited people's organizations, NGOs, and the private sector operating in the municipality, shall sit as members in the municipal development council. The number of NGO representatives in each LDC shall not be</p>	Art.63, IRR,RA 7160

	<p>less than one-fourth (1/4) of the total membership of the fully organized council.</p> <p>The local chief executive shall undertake the necessary information campaign to ensure participation of all NGOs operating within his territorial jurisdiction.</p> <p>Procedures and Guidelines for Selection of Representatives of People's Organizations, Nongovernmental Organizations, or the Private Sector in Local Special Bodies. —</p> <p>(a) Call for application — Within thirty (30) days from the organization of the newly elected sanggunian, each sanggunian concerned shall call all community-based people's organizations or NGOs, including business and professional groups, and other similar aggrupations to apply with the LGU concerned for accreditation for membership in the local special bodies. The application shall include a duly approved board resolution of the people's organizations, NGOs or the private sector concerned, certificate of registration, list of officers, accomplishments, and financial data of the organization;</p> <p>(b) Accreditation — The sanggunian concerned shall accredit the organizations based on the following criteria:</p> <p>(1) Registration with either the Securities and Exchange Commission, Cooperatives Development Authority, Department of Labor and Employment, Department of Social Welfare and Development, or any recognized NGA that accredits people's organizations, NGOs, or the private sector. If not formally registered, the said organizations may be recognized by the sanggunian for purposes only of meeting the minimum requirements for membership of such organizations in local special bodies;</p> <p>(2) Organizational purpose and objectives include community organization and development, institution-building, local enterprise development, livelihood development, capability-building, and similar developmental objectives and considerations;</p> <p>(3) Community-based with project development and implementation track record of at least one (1) year;</p> <p>(4) Reliability as evidenced by the preparation of annual reports and conduct of annual meetings duly certified by the board secretary of the organization;and</p> <p>(5) In the case of PBACs, the organization or any of its members shall have no conflict of interest in the awarding of infrastructure or other projects.</p>	<p>Sec 64,IRR, RA 7160</p>
	<p>(c) Completion of the accreditation process — The sanggunian shall complete the accreditation process within the same period from the organization of the newly elected sanggunian.</p> <p>(d) Meeting to choose representatives of people's organizations, NGOs, or the private sector — Within fifteen (15) days after the accreditation process, the DILG field officer assigned in the LGU shall call all accredited people's organizations, NGOs, or the private sector to a meeting where these organizations shall choose from among themselves which people's organizations, NGOs or private sector will be represented in the local special bodies. The selected people's organizations, NGOs or private sector shall then designate their principal and alternate representatives who are residents of the LGU concerned. In no case shall an organization or a representative thereof be a member of more than one local special body within a province, city, or municipality.</p> <p>(e) Term of office of selected representatives — The term of office of a selected representative shall be coterminous with that of the local chief executive concerned. Should a vacancy arise, the selected people's organizations, NGOs, or the private sector shall designate a replacement for the unexpired term.</p>	

Employment & Labor Management	The State shall promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living, and an improved quality of life for all.	Sec 9,Art.II,1987 Constitution Sec 18,Art.II,1987 Constitution
Livelihood & Barangay Micro-Business Enterprises (BMBEs)	Barangay Micro Business Enterprises (BMBE's) Act of 2002	RA 9178
Socio-Cultural Affairs, Sports, Games & Amusements	<ul style="list-style-type: none"> • Authorize and license the establishment, operation, and maintenance of cockpits, and regulate cockfighting and commercial breeding of gamecocks • Regulate the establishment, operation, and maintenance of entertainment or amusement facilities, including theatrical performances, circuses, billiard pools, public dancing schools, public dance halls, sauna baths, massage parlors, and other places of entertainment or amusement; regulate such other events or activities for amusement or entertainment, particularly those which tend to disturb the community or annoy the inhabitants, or require the suspension or suppression of the same; or, prohibit certain forms of amusement or entertainment in order to protect the social and moral welfare of the community 	Sec 447,a3,v Sec 447,a4,vii

SECTION 26. COMMITTEE REFERRAL. Items calendared under First Reading and Referral to the Committees shall be referred to the appropriate committees by the Presiding Officer in coordination with the Majority and Minority Floor Leaders, to be reflected in the Order of Business.

SECTION 27. PREPARED DOCUMENTS. During sessions, the committee chairman, vice chairman and member shall be given copies of the subject matter/ documents referred to such committee/s for their prompt study and recommendation.

SECTION 28. CORRECTION OF REFERRAL. In case of erroneous or inadequate reference of a measure to a committee as reflected in the Order of Business, the same, upon proper motion, may be corrected by the body during the session, and not on the subsequent session.

SECTION 29. COMMITTEE MEETINGS.

- a) Convene. The Chairperson, or in his absence the Vice Chairperson, shall convene the committee to a meeting provided that, if the Chairperson or Vice Chairperson is absent, neglect or decline to convene such meeting, the committee may nevertheless meet upon written petition of the majority of the members thereof, provided that due notice is served upon each and every member thereof.
- b) Quorum. A majority of the members of a committee shall constitute a quorum to do business. Unexplained absences in three consecutive committee meetings without justifiable reason shall operate to relinquish membership therein.
- c) Schedule. The committees shall hold its regular weekly meeting every Monday until Tuesday to discuss on matters referred to it for appropriate and prompt action, including those pro-active and reactive legislative measures,. A special meeting maybe called by their respective Chairmen or by two members, and notice should be served on every committee member. Two members of a committee shall constitute a quorum.
- d) Appearance. The committee may request through the Presiding Officer, the appearance before the committee of any department head or any official or officer of the government. If an employee or other persons are invited, mere signature of the committee chairman would suffice. Any person invited or permitted by the committee may appear during its committee meeting and present his views on any matter before it, at such reasonable time as the committee may designated.
- e) Public Venue. The meeting of the committee is open to the public, unless the committee members unanimously agree to hold such committee hearing behind closed door.
- f) Public Interest. Every member shall fully participate in the committee deliberations and shall represent the interest of the people of the entire municipality.

- g) Decision. During the final deliberation, no person shall be present, except the committee members and such employees of the sanggunian as are necessary to facilitate the performance of their functions.
- h) Vote. All questions before the committee shall be put into a vote unless otherwise, previously agreed upon. Except the chairperson who shall not vote unless in case of tie, every member present at a committee meeting shall vote on every question unless he has a direct personal or pecuniary interest therein or is completely ignorant of the issues involved.
- i) Signatures. Securing signatures of committee members in lieu of a formal meeting is prohibited, unless the committee member has failed to attend the committee meeting for justified reasons, and that, he/she has deeply studied on the subject matter.
- j) Report. After final deliberation and voting, the committee shall prepare for submission to the Sanggunian, a report to be signed by the chairperson and members thereof.
- k) Dissenting. Any members dissenting from the report shall submit in writing his reason thereof.
- l) Verbal. If by reason of urgency a verbal report is submitted by a Chairperson of committee concerned, said verbal report shall be considered the report of the committee unless objected to by at least two members of the committee.

SECTION 30. COMMITTEE ABSENCES. A Sangguniang Bayan member who has unexplained absences in three (3) successive committee meetings shall be deemed to have relinquished his membership therein.

SECTION 31. COMMITTEE REPORTS.

- 1) All committees shall report to the sanggunian every matter referred to them by the presiding officer within a reasonable time preferably the following session week.
- 2) Committee reports on barangay ordinances referred to the respective committees for prompt review should be reported to the Sangguniang Bayan the following session week.
- 3) When a measure is referred to two or more committees, the committees concerned may submit a joint or a separate report thereon.
- 4) When a committee submits a report on an ordinance and a resolution for second reading, the members thereof shall be presumed to have concurred with the report and shall be precluded from opposing the same, unless they have entered their objections during the committee meeting or deliberation.
- 5) Committee report shall be adopted formally. However, if any member objects to the findings of the committee report, deliberations thereon shall be reserved during the inclusion in the Calendar of Business of such subject matter with the proposed ordinance or proposed resolution to that effect, in which case, the Presiding Officer shall take note of it.
- 6) The different standing committees shall report to the Sanggunian all matters referred to them for comment and recommendation. In case of failure of a committee to render such report, a majority of all members may make a written petition to take out from the committee, the matter referred to and after which, the same shall be re-submitted to the body for disposition. In case the majority of the members of the committee dissent and/or object to the matter referred to, the matter objected to shall be considered laid on the table. The same committee members shall submit the matter being laid to the table to the Sanggunian for final disposition after making a written petition for the purpose.
- 7) When a measure is referred to two or more standing committees, the corresponding committees may submit a joint or separate report thereon.

SECTION 32. ATTACHED COMMITTEE REPORT. No proposed ordinance or proposed resolution be included in the Calendar of Business unless it is supported by a corresponding Committee Report and other pertinent documents attached to it. For controversial or sensitive subject matters, minutes of the committee meeting/ public hearing may be used as reference in support thereof.

SECTION 33. URGENT MATTERS. Proposed Ordinances or proposed resolutions treated as urgent and included in the Order of Business under Presiding Officer's Time or those treated by 2/3 votes suspension of the house rules need not be supported by committee reports, provided, those proposed revenue ordinances should have first submitted for mandatory public hearing prior to its deliberation and approval.

SECTION 34. CONCURRENCE. Members of the committee submitting a report, shall be presumed to have concurred in the report and thus be precluded from opposing thereto unless they shall have entered their objection to the committee report or in lieu thereof, they shall have filed with the Office of the Secretary their dissenting vote in writing within two days after the report has been submitted to the Sanggunian in open session. However, they may move for amendments or support, amend or oppose such amendment as may be offered on the floor.

SECTION 35. VACANCY. Whenever a vacancy occurs or is declared to exist in any committee, the same shall be filled by the Sanggunian member with specialty on the committee to which he is elected/ chosen.

SECTION 36. CREATION OF SPECIAL COMMITTEES. The Sanggunian may create special committees as may be deemed necessary. The chairperson, vice chairperson and members of special committee shall be elected by a majority vote of the members constituting a quorum, or without objection, be chosen by the Vice Mayor/Presiding Officer.

SECTION 37. URGENT COMMITTEE MEETING. Upon motion by the concerned committee chairman to which an urgent matter was referred for an appropriate and prompt action, the Chair may declare for a recess to give way for the committee to conduct an urgent committee meeting. By suspension of the house rules, the same may be considered for immediate deliberation and approval by recommendation of the committee.

Article XVI DEBATE AND DECORUM

SECTION 1. OBTAINING THE FLOOR. When a member desires to speak he shall rise and respectfully address the Presiding Officer by his title as "Mr. Presiding Officer". When a member desires to deliver any remarks to the Sanggunian, he shall rise and request the chair to let him have the floor, which consent shall be necessary before he may proceed.

SECTION 2. RECOGNITION BY THE CHAIR. When two or more members rise at the same time the Presiding Officer shall determine and recognize the member who is to speak first. The member who has obtained the floor shall confine himself to the question under debate, avoiding personalities, and shall conduct himself with proper decorum.

SECTION 3. LANGUAGE/ DIALECT. Any member is allowed to use bi-lingual communication system, that is, English and Bisaya or Tagalog, to express the genuine legislative intent of every legislator.

SECTION 4. BEHAVIOR DURING SESSION. During sessions of the Sanggunian the members shall observe proper decorum. They shall remain in their seats during roll call or when a vote is being taken and no one shall pass between a member who has the floor and the chair. While the presiding officer is addressing the Sanggunian, no member shall walk out or cross the session hall.

SECTION 5. DEBATE.

- a) Main Speeches – Main speeches during the discussion of any measure shall be limited to twenty (20) minutes for each speaker and rebuttal speeches shall be limited to ten (10) minutes. After three have spoken in favor and two against the measure alternately or only one speech shall have been delivered and none against, a motion to close the general debate shall be in order. A member can speak only once on a particular question until other members have been given a chance to do so after which any one may be allowed to speak a second more time.
- b) Interpellation – In the course of a debate, a member who desires to ask question of the speaker to clarify certain points in his speech, should rise and, without waiting for recognition address the chair and manifest his desire to ask the speaker a question. The speaker may consent or decline, addressing his answer to the chair, through whom the conversation must be carried.

The members are prohibited from asking questions that are embarrassing, fault-finding, or that which tend to cross-examine or interrogate and argue with the respondent.

The Presiding Officer may interrupt a speaker at any point of his speech to state a point of order, to answer question from the assembly, or to make some remarks within his privilege.

If the speaker is called to order for improper words affecting another member, the parties involved, except the presiding officer, if he is one of them, must be asked to leave the hall until the matter has been resolved by the sanggunian. A speaker, whose remarks are decided to be improper, cannot resume his sponsorship speech except by general consent of the Sanggunian.

- c) Open and Close Debate – The member reporting a measure from a committee or delivering the sponsorship of a proposed legislation may open and close the debate thereon. If the debate should extend beyond one session day, he shall be entitled to an additional fifteen (15) minutes to close. The Sanggunian may by a majority vote of he members present, close debate on any question upon motion for the previous question, and proceed to vote on the main question without debate.
- d) Amendments – If the motion to close the debate is disapproved, the Sanggunian shall then proceed to consider amendments to the question if any. Remarks on each amendment by

any member shall not exceed five minutes. Only one member is allowed to deliver a speech in favor and another against the amendment.

Any member desiring to amend an amendment shall be allowed five minutes and another opposing it another five minutes, after which discussion shall be terminated. This does not, however, preclude further amendments to be decided without debate.

After a debate is closed, and the amendment disposed of, the main motion shall be voted upon for final approval.

- e) Reopening Debate – A question that has been decided upon by the assembly may be reopened to debate by a motion for reconsideration which requires only a majority vote. Reconsideration opens the question to new discussion and vote, the same as if it were introduced for the first time.

SECTION 6. DEBATE AND DECORUM PROCEDURE. For purposes of decorum the following rules shall be observed:

- a) During debates a member shall confine himself to the question before the sanggunian and shall avoid personalities. He shall observed proper decorum during the entire proceeding.
- b) In referring to another member, the latter shall always be referred to, by his official title or as the member who spoke last.
- c) Before any motion shall be debated upon, said motion should be stated by the chair.
- d) It shall only be the Chair who can rule any verbal motion out of order otherwise, the chair shall state the question before the Sanggunian for consideration and approval.
- e) Any member may modify a motion through suggestions. The movant with the consent of the seconder, shall have the right to make modifications or withdraw the motion in its entirety, before the Presiding Officer states the question.

SECTION 7. DECORUM IN SPEECH AND INTERPELLATION

- a) Once a decision to strike from the record as unparliamentary a certain word used in a privilege speech, the Chair may rule that deliberation of the Sanggunian is to be governed by certain parliamentary rules. The chair motu proprio, may order the striking off of words or statements.
- b) During the privilege time the Chair may request the members of the floor to confine themselves as much as possible to the subject matter under discussion.
- c) A member, availing himself of the privilege time, may refuse interpellation. The member on the floor should use a language in conformity with the decorum and dignity of the Sanggunian.
- d) The Chair shall entertain a motion to strike from the record a portion of a member's speech under the privilege time as un-parliamentary for being against the dignity and integrity of the members. The right of any members of the Sanggunian to speak on the 20-minute privilege on a subject of general interest can be curtailed.
- e) When a member attacks the leadership of the Sanggunian, he may be declared out of order and shall be deprived of the further used of the privilege hour. If any member, by his/her speech or behavior, transgresses the Rules of the Sanggunian, the Presiding Officer, motu proprio or at the request for a point of order by any member, shall call him to order. The Sanggunian shall if appealed to decide on the case without debate except for brief remarks by the appellant and complainant, explaining their respective sides for not more than five minutes. If the decision of the body is in favor of the member called to order, he may proceed but not otherwise.
- f) A member, during the privilege time, should refrain from making personal allusions to any member. In availing himself of the privilege time, a member may, under his own responsibility, speak against an absent fellow member. It is indecorum for him to cast aspersions on the conduct of members of the Sanggunian during a privilege speech.
- g) A member having the floor on a privilege time may refuse to yield to interpellations, or to yield for information.
- h) It is in order for a member interpellating to lay the premises of his question. He may interpellate in the manner he so desires and may use the dialect even if different from that used by the member who has the floor for clarification.
- i) A few minutes before a privilege time is up, a member who has the floor may stop yielding to further interpellations.

SECTION 8. MOTIONS AND THEIR PRECEDENCE. Unless withdrawn by the author on the day of submission, every motion filed shall be included in the order of the business.

- a) When a verbal motion is presented, the Presiding Officer shall state the same to the Sanggunian. If in writing, he shall cause it to be read by the secretary before having it debated upon. The motion shall then be considered as having been brought to the attention

- of the Sanggunian. It may be withdrawn any time before decision is reached thereon or any amendment to it is presented.
- b) If there are questions under debate, no other main motions, except to adjourn, to declare a recess, or to lay a matter on the table, shall be entertained. These latter motions shall be decided without debate.
 - c) A motion to postpone a discussion to a certain day or, to defer or postpone indefinitely, shall have precedence in the foregoing order.
 - d) No motion to postpone, defer or to postpone indefinitely, which failed to pass shall again be allowed on the same day and at the same stage of the question.
 - e) When a general debate on motion or proposition is closed, a motion to amend an amendment shall be in order. It shall be in order to offer a further amendment by substitution provided that the latter shall not be voted upon until after the original motion or proposition is disposed of. Any proposed amendment may be withdrawn before a decision is reached.
 - f) No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.
 - g) Before a question could be the subject of discussion, such question on motion duly seconded, shall be divided if it includes propositions so distinct in substance that when one is taken away, another substantive proposition remains.
 - h) A motion to read any part of the rules is equivalent to call to order and shall take precedence over any motion except to adjourn.
 - i) When voting on a non-debatable motion no other remarks will be entertained by the Chair when a member casts his vote.

SECTION 9. QUESTIONS OF PRIVILEGE: PROCEDURE. Question relating to the rights and privileges of the Sanggunian or its members shall take precedence over all motions except motions relating to adjournment and recess.

- a) What constitutes – Questions of Privilege?
 - 1) Question of such urgency and requiring immediate action may interrupt a member's speech, as for example when a motion or report that is being read cannot be heard in part of the session hall.
 - 2) Questions of personal privilege must relate to charges against his character his character or reputation which, if true, would disqualify him from becoming a member of the Sanggunian.
- b) Privileges of the Sanggunian:
 - 1) Those relating to the organization of the Sanggunian.
 - 2) Those relating to the comfort of the members, of the Sanggunian like seating, lighting, ventilation, etc. of the session hall.
 - 3) Those relating to the freedom from noise and conduct of the officers or other employees; and
 - 4) Those relating to the accuracy of published reports of proceedings.
- c) Precedence and Interruption:
 - 1) The 20-minute privilege to interrupt has precedence over any other matter, such as question of privilege.
 - 2) A member cannot be interrupt by a question of privilege: a question of privilege cannot be entertained while a member is delivering his speech: a question of high constitutional privilege may not exceed the 20-minute privilege reserved by a member; a member cannot be taken off the floor by parliamentary inquiry, but before a member stands to avail himself of the privilege he has reserved, another member may raise a parliamentary inquiry on a matter not connected with the privilege speech.

Parliamentary inquiry may only refer to, or cover questions of facts not opinion of motives.

- d) Extension of Time- Extension of time can be granted only upon motion and by unanimous consent. When a speaker sits down after a 20-minutes period, his time can no longer be extended. An objection to the motion for an extension of time is not debatable.
- e) Privilege Questions-Privilege questions shall include, besides questions of privilege, a call for the order of the day and privilege motions relating to adjournment and recess:
 - 1) A call for the order of the day shall be deemed that the Sanggunian conform to its order of business, a motion to that effect requires no second;
 - 2) Any member shall have the right to demand that the order of business be conformed to;
 - 3) Any member then shall call for the order of the day. When there is no deviation from the order of business, his motion shall be declared out of order.

Article XVII
VOTES AND VOTING

SECTION 1. KINDS OF VOTES. The following are the kinds of votes:

1. According to Number
 - 1) Majority Votes
 - a) Majority of the legal votes – is referred to a simple majority which is one-half plus one of the legal votes cast, excluding the illegal votes.
 - b) Majority of the total votes cast - it disregards as to the invalidity or irregularity of the votes, so long as one-half plus one is achieved.
 - c) Majority of the members present – is based on the number of members present in a session/meeting.
 - d) Majority of all the members (Absolute majority)–is based on the entire membership, both present and absent.

Excluding the rule on majority of the total votes cast, the Sanggunian applies the other three kinds of majority votes according to number depending to a given circumstance or situation, in accordance with law.

- 2) Percentage vote
 - a) $\frac{2}{3}$ of the legal votes cast
 - b) $\frac{3}{4}$ of the members present
 - 3) Plurality vote - a vote larger by at least one over the total of any other proposition. This is applicable to two or more suggestions to be voted upon. The winning suggestion shall be put into a motion for its final decision.
 - 4) Tie vote – with the same highest vote, thus creating a deadlock
 - 8) Unanimous vote – everybody voted in its favor, disregarding the invalidity of the other votes considering that illegal or blank votes are not counted as part of the total votes cast
2. According to Decision
 - 1) affirmative vote
 - 2) negative vote
 - 3) abstention - on either of three reasons or circumstance
 - (a) conflict of interest
 - (b) not convinced on the issue
 - (c) ignorance or lack of knowledge on the matter
3. According to Method/Manner
 - 1) by general consent - no objection
 - 2) by viva voce (voice)
 - 3) by raising of hands
 - 4) by roll call
 - 5) by secret ballot

SECTION 2. REQUIRED MAJORITY VOTES. The Sangguniang Bayan requires the following kinds of Majority Votes:

- 1) Simple Majority Vote – is more than half of the legal votes cast by the sangguniang bayan members present, there being quorum. When the law is silent on the specific voting requirement in the passage of an ordinance or resolution, the PRESUMPTION is that SIMPLE MAJORITY would suffice. (DILG OPINION No. 13 s, 2010).
- 2) Qualified or Absolute Majority Vote – is more than one half vote OF ALL THE MEMBERS of the Sangguniang Bayan, which the law explicitly provides, as follows:
 - a) Enactment of revenue ordinances imposing taxes, fees and charges and granting of tax exemptions, incentives or reliefs (Secs. 447 [a] [2 ii], RA 7160)
 - b) Enactment of ordinance authorizing the floatation of bonds or other instruments of indebtedness for the purpose of raising funds to finance development projects (Secs. 447 [a] [2] [iv], RA 7160).

- c) Enactment of ordinance granting franchise on the establishment, construction, operation and maintenance of ferries, wharves, markets or slaughterhouses (Secs. 447 [a] [3] [vii], RA 7160).
 - d) Enactment of an ordinance declaring the opening or temporary closure of a local road, alley, park, or square falling within its jurisdiction (Sec 21, a, RA 7160)
 - e) Resolution authorizing the mayor to enter into contract of loans and other forms of indebtedness (Secs. 447 [a] [2] [iii], RA 7160)
 - f) Resolution authorizing the transfer, relocation, or conversion to other uses of municipal offices and facilities, after the conduct of public hearings (Sec. 11,c, RA 7160).
 - g) Resolution concurring the appointment of municipal department/office heads (Sec. 443[d], RA 7160).
 - h) Resolution authorizing the mayor to lease to private parties public buildings (Secs. 447 [a] [2] [v], RA 7160).
 - i) Discipline of Sanggunian member for disorderly behavior and absences for 4 consecutive sessions without justifiable cause (Sec 50, par. 5, 1st clause RA 7160)
- 3) Absolute 2/3 votes – is 2/3 Votes of all the Members of the Sanggunian:
- a) Enactment of an ordinance declaring the permanent closure of roads road, alley, park, or square falling within the barangay jurisdiction (Sec. 21, a, RA 7160)
 - b) Enactment of an ordinance declaring the new site/ or seat of the Local Government Unit, after the conduct of public hearing (Sec.11,b, RA 7160)
 - c) Enactment of an ordinance granting tax exemptions, incentives or reliefs to entities engaged in community growth-inducing industries (Secs. 447 [a] [2] [xii], RA 7160).
 - d) Suspension or Expulsion of Sanggunian member for disorderly behavior and absences for 4 consecutive sessions without justifiable cause (Sec 50, par. 5, 2nd clause, RA 7160)
- 4) Simple 2/3 Votes – is 2/3 from Among the Sanggunian Members Present during the session:

A motion to suspend the House Rules, as premised on the urgency of the item or subject matter in order:

- a) to entertain any subject matter not included in the order of business
- b) to listen to any visitor, official or person not mentioned in the Order of Business
- c) to treat as urgent the passage of a proposed barangay ordinance or resolution not included in the Calendar of Business, or Notice of Special Session (Sc.52, d, RA 7160).
- d) to take away from their indicated order those items in the order of business and considered forthwith by the body

SECTION 3. PROCEDURE IN VOTING.

- 1) If a question is undebatable, or debate has been closed, the Presiding Officer immediately after stating the question shall put the same to a vote. However, any member may rise if he wishes to state a motion of higher rank.
- 2) The Presiding Officer shall put a question to a vote shall do it in this form: “ As many as are in favor (He shall state here the question) may say “yes” After the affirmative voice is expressed he should say “As many as are opposed may say, “No” If in doubt, or a division is called for, the Body shall divide. Those in the affirmative raise their hands first, and then those in the negative shall do the same upon order of the Chair.
- 3) When the Presiding Officer asks if there is any objection to a motion of the majority floor leader for the approval of any ordinance or resolution directing the payment of money or creating a liability, and no one registers his objection thereto, the Secretary shall enter in the record as voting affirmatively the names of all members present at the particular time. This has the effect of a nominal voting.
- 4) No member can vote on a question in which he has a direct personal pecuniary interest. This does not, however, preclude any member from voting for himself for any position within the Sanggunian.
- 5) A member can change his vote only before the chair announces the result of the voting. After the announcement, a member can still change his vote only by unanimous consent.
- 6) Any member may explain his vote in not more than five (5) minutes.
- 7) No member could be compelled to vote; he may, however abstain, provided that, the grounds for the abstention must be manifested.
- 8) A vote by “Yes” and “No” to be entered in the minutes shall be taken even after a vote by division at the request of any member.

- 9) No motion or question, except in the presence of quorum, shall be entertained during the voting.

SECTION 4. RECONSIDERATION. – Any member may present a motion for reconsideration of any motion, amendments to main motions, proposed resolution and proposed ordinance which have been approved, adopted, enacted or lost. A motion to reconsider in the case of proposed resolution or proposed ordinance may be made any time before the same is transmitted to and acknowledged by the office of the Mayor. In the case of motions and amendments to main motions which are substantive in nature, those may be reconsidered at any time before they are executed, implemented or in any way carried out. A motion to reconsider any approved motion which is held pending shall have the effect of suspending action on any approved resolution, ordinance, motion or amendments to a main motion.

SECTION 5. VOTING IN THE SANGGUNIAN. – Shall be done by voice, raising, or by roll call, unless a different method is prescribed by the Sanggunian, for a particular question. In taking the vote, affirmative shall be taken first and then negative.

SECTION 6. A TIE VOTE. – Defeats any measures or motion, unless the Chair breaks the tie.

SECTION 7. THE YES OR NO VOTES. – Shall be taken and entered in the minutes upon the passage of all ordinances, upon all propositions creating any liability against the municipality, and upon any other proposition if requested by any member, even after a division has been had.

SECTION 8. WHEN VOTING NOMINALLY. – The Secretary to the Sanggunian shall call the roll of the members of the Sanggunian according to rank. As each name is called, the member shall announce his vote by saying Yes or No as the case maybe or Abstain, if he is not voting. A member may explain his vote not to exceed five minutes.

SECTION 9. CONFLICT OF INTEREST. – On a question in which he or any member of his family, within the third degree of consanguinity, has direct personal or pecuniary interest. This does not, however, preclude any member from voting for himself for any position within the Sanggunian.

SECTION 10. A MEMBER MAY CHANGE HIS VOTE. – Only before the Chair announces the result of the voting; thereafter, a member may change his vote only by unanimous consent.

SECTION 11. A MEMBER WHO ARRIVES LATE. - At the session shall be permitted to vote provided the result of the voting has not been announced yet by the Chair.

SECTION 12. FAILURE TO VOTE. - Any member who fails to vote during the voting time may do so before the Chair announces the result of voting; thereafter, he may be allowed to vote by unanimous consent. In no way shall there be an absentee voting.

Article XVIII RULES ON MOTION

SECTION 1. ORDER OF PRECEDENCE. – The following motions, in the order of their precedence from highest to lowest rank together with the other motions hereinafter specified, shall be used in doing business in the Sanggunian:

1) PRIVILEGE MOTIONS:

- a) Rank 1 – Fix the time at which to adjourn, to provide a future time for the continuation of the session in progress.
- b) Rank 2 – Adjourn, to formally terminated the session in progress.
- c) Rank 3 – Take a recess, to provide brief intermission during the session
- d) Rank 4 – Question of Privilege, to secure immediate action upon matter that involves the comfort, convenience, rights or privileges of the Sanggunian or any of its members.
- e) Rank 5 – Call for orders of the day, to bring before the body for consideration of any business assigned for a particular time.

2) SUBSIDIARY MOTIONS:

- a) Rank 6 – Lay on the table, to set aside a pending question for consideration at a later date but undetermined time.
- b) Rank 7 – Call for the previous question, to suppress discussion on a pending question and to bring it immediately to a vote.
- c) Rank 8 – Modify the limits of debate, to remove a standing restriction to shorten or to permit more time for the discussion of a pending question.
- d) Rank 9 – Postpone definitely, to defer the consideration of a question to a definite time in the future.

- e) Rank 10 – Commit, to refer a question or a proposition to a committee for study and recommendation.
- f) Rank 11 – Amend, to modify a question to make it more acceptable to the body.
- l) Rank 12 – Postponed indefinitely, to defer indefinitely the consideration of a question.
- m) Rank 13 – Main Motion, to bring before the body a substantive proposition for its consideration.

SECTION 2. MAIN MOTIONS. –

- 1) Specific Main Motions- those motions which have the rank of a main motion, viz.:
 - a) Take from the table – To resume the consideration of a question that has been previously laid on the table.
 - b) Reconsider – To set aside the vote previously taken on a question and to reopen it to a new discussion and vote.
 - c) Reconsider and have entered on the Minutes – To suspend action on a question that has been decided by a temporary majority.
 - d) Rescind or Repeal – To render null and void a question previously passed.
 - e) Expunge – To express strong disapproval to an action taken by the body and to have it rescinded.
 - f) Adopt a Committee Report or Resolution – To accept or agree to a report as an official act of the body.
- 2) Subjective Main motions- those that are raised for purposes of approving the proposed ordinance, proposed resolution, or any substantive issue for consideration of the august body.

SECTION 3. INCIDENTAL MOTIONS. – The following incidental motions have no fixed rank but shall take precedence over the questions from which they arise.

- a) Suspend the Rules – To allow the body to do something which it is otherwise forbidden to do by the rules or previously adopted orders of the Sanggunian.
- b) Withdraw or Modify a Motion – To remove a question from the consideration of the body or to modify the same
- c) Read Papers – To allow a member to read a paper, document, or book as part of his speech or remarks.
- d) Object to the Consideration of a Question – To avoid the consideration of a question which the body considers irrelevant, contentions, unprofitable, or general objectionable.
- e) Point Of Order – To call attention to an error in the observance or enforcement of the Rules of the Sangguniang Bayan or its supplementary rules of procedure and parliamentary practices.
- f) Point of Information – To be informed of any matter related to the pending question or to the Sanggunian.
- g) Parliamentary Inquiry – To request information on matters pertaining to parliamentary law and procedure.
- h) Appeal from the decision of the Chair – To ask the body to decide whether the ruling made by the Chair on a question or order should be upheld or overruled.
- i) Divide the House – To verify the votes taken on a question or to secure more accurate count of the vote.
- j) Divide the Question – To divide long and complicated proposition into separate and distinct parts to facilitate their consideration.

SECTION 4. DIFFERENT SUBJECTS. – No motion on a subject different from that under consideration shall be admitted under color of amendment. An amendment which merely negates an affirmative proposition is likewise out of order.

SECTION 5. READING ANY PART. – A motion to read any part of the rules of the Sangguniang Bayan is equivalent to a call to order and shall have the precedence corresponding to it.

Article XIX

UNFINISHED BUSINESS AT THE END OF THE SESSION

SECTION 1. BUSINESS BEFORE THE SANGGUNIAN. – All business before the Sanggunian and its committee at the end of one session shall be resumed at the commencement of its next session.

SECTION 2. BUSINESS LEFT UNACTED. – Business left unacted upon at the termination of one Sanggunian may be considered by the succeeding Sanggunian as matters of the unfinished business.

SECTION 3. PAPERS RELATING TO UNFINISHED BUSINESS. – For purposes of the preceding sections, the Secretary to the Sanggunian shall return to the respective committee the papers relating to unfinished business and the papers delivered or returned to him at the close of a session or termination of a Sanggunian.

Article XX
PAPERS AND DOCUMENTS

SECTION 1. PAPERS AND DOCUMENTS. – As business are disposed of by the committee, all papers and documents related to such business shall be delivered to the Secretary to the sanggunian who shall keep the same in the files of the Sanggunian.

SECTION 2. PAPERS STILL IN THE POSSESSION OF THE COMMITTEE. – At the adjournment of the last session of a Sanggunian all papers still in the possession of any committee shall be delivered to the Secretary to the Sanggunian who shall preserve them in files of the Sanggunian in the manner required by the character of said papers.

SECTION 3. CERTIFICATION OF RECORD. – The Secretary to the Sanggunian shall issue, upon demand of any person, a certified copy of any record within his control and shall be authorized to charge a fee for said purpose in the manner prescribed by law, unless considered confidential in which case the consent of the Sanggunian must be secured.

Article XXI
PAPERLESS SESSION

SECTION 1. PAPERLESS POLICY. Subject to the provisions in the preceding Article, the Sangguniang Bayan shall adopt a “Paperless Policy” wherein an easy-to-do mechanism addresses the long-term problem on laborious and expensive reproduction of documents used in every Sanggunian session, unlike in traditional sessions which consume tremendous amount of paper.

SECTION 2. COMPUTER LITERACY .

- 1) Subject to the electoral process, Sangguniang Bayan members are preferred to be computer literates.
- 2) For the computer illiterates, there shall be a conduct of Information Technology (IT) Proficiency Training in the application of a Paperless Session System.
- 3) Every member shall be provided with a laptop to be used within the 3-year term of service, with support technical services of the Secretariat.
- 4) The Secretariat Office shall orient each member in the synchronized and systematic usage of information technology in all stages of local legislations.

SECTION 3. RATIONALE. The Paperless Session shall be practiced by the Sangguniang Bayan on the following reasons:

- a) It facilitates the process of the session with less manpower, less cost using the upgraded Information Technology skills
- b) It is hassle-free data banking with less paper consumption, and which ultimately helps prevent global warming
- c) It increases the skills and resources of every legislator for him to responsibly perform his legislative and quasi-judicial functions using the medium of computer, with electronic research system.

SECTION 4. LAPTOP MANAGEMENT.

- a) The SB laptops are owned by LGU-Loon through the Sangguniang Bayan.
- b) The laptop shall be exclusively used by the holders who are the SB Members and staff and never to be used by any member of a family or any third party not belonging to the SB family.
- c) Each holder shall have a corresponding Memorandum Receipt (MR).
- d) The laptop may be brought by the SB members to their respective homes, provided, that any damage shall be at their expense, except if it was used in the performance of their functions.
- e) Any damage shall be promptly reported to the General Services Office for repair or possible replacement.
- f) The laptop shall be used as a medium of the SB Members in the drafting of proposed ordinances and Codes, proposed resolutions, committee reports and other related legislative documents and communications, to be printed at the Secretariat office.
- g) During seminars, District consultations, forums and other LGU related activities, the SB Members shall make available in the use of such electronic devices to facilitate legislative efforts of producing quality legislations, legislative tracking and smooth implementation of ordinances.

- h) The same electronic device shall be used in their administrative supervision of their respective districts in the effort of implementing ordinances and resolutions.
- i) Failure on the part of the holders to return the "laptops" and other office paraphernalia after their term shall cause the deduction of their "terminal leave benefits".
- j) There shall be an annual inventory of the LGU properties to include the laptops duly issued to the SB members.
- k) At the end of their term, the holders shall turnover such units in good condition to the General Services Office through the SB Secretariat.

Article XXII

APPEARANCE OF OFFICE HEADS/OFFICIALS/INDIVIDUALS

SECTION 1. APPEARANCE OF OFFICIALS. In aid of legislation, the Sanggunian through the Presiding Officer may invite any official/ office head per coordination with the Mayor, to appear in the session, to clarify some matters or provide accurate information so as to guide the august body to resolve some issues pending before it. Their appearance shall be reflected in the Order of Business.

SECTION 2. APPEARANCE OF EMPLOYEES. In aid of legislation, the Sanggunian through the Presiding Officer may invite any employee or contractual/ job order worker per coordination with the office head and the Human Resource and Management Officer, to appear in the session, to resolve some issues pending before it. Their appearance shall be reflected in the Order of Business.

SECTION 3. APPEARANCE OF INDIVIDUALS. In aid of legislation, the Sanggunian through the Presiding Officer may invite any concerned individual/s, to appear in the session, to clarify some matters to guide the august body in resolving some issues pending before it. Their appearance shall be reflected in the Order of Business.

Article XXIII

DISCIPLINARY ACTION

SECTION 1. ACTUAL VIOLATION OF INTERNAL RULES. Any member of the sangguniang bayan who shall fail to observe the rules as prescribed herein shall be out of order and, if he has the floor, may be compelled to take his seat. In case of refusal to abide by the ruling of the chair, the Sanggunian upon motion of any member duly seconded may officially reprimand the erring member which shall appear in the minutes of the corresponding session. The same punishment may be imposed for abandonment of duty as when a member refuses to attend, without any valid ground, the session after a quorum is questioned. This does not preclude the Sanggunian or the Chair from imposing whatever additional penalty deemed appropriate for any improper conduct.

SECTION 2. DISORDERLY BEHAVIOR/ABSENCES.

- 1) Internal Disciplinary Measure.
 - a) Grounds. Any member of the Sanggunian shall be disciplined by the Sanggunian en banc for actual violation of the Sanggunian Internal Rules, disorderly behavior, absences without justifiable cause for four (4) consecutive sessions.
 - b) Penalty. Depending on the gravity of the violation of the erring member, he shall be penalized as follows: (a) censure (b) reprimand (c) excluded from the session (d) suspended for not more than sixty (60) days (e) or expulsion, Provided, that the penalty of suspension or expulsion shall require the concurrence of at least two-thirds (2/3) vote of all the Sanggunian members and provided further that a member convicted by the final judgment to imprisonment of at least one year for any crime involving moral turpitude shall be automatically expelled from the Sanggunian (Sec 50,b,5, RA 7160) (f) fine of One Thousand Pesos (P1,000.00) for every absence during the regular or special session, except those who are on leave or on official business, which shall affect the terminal leave benefits, and which shall be based on the record of session attendance and reflected in the minutes.
 - c) Due process. Upon investigation by the Committee on Good Government, except if the committee members are affected therein, the Presiding Officer shall censure or reprimand the erring SB member. If the penalty sought is suspension or expulsion, then, a thorough en banc hearing shall be conducted, without any political biases, upon 2/3 votes of all its members. (Sec 50,b,5, RA 7160).
- 2) External Disciplinary Measure. For all other grounds enumerated in Section 60 of RA 7160, the erring Sanggunian member shall be disciplined by the Sangguniang Panlalawigan whose decision may be appealed to the Office of the President (Section 61,c, RA 7160), or concurrent with the Office of the Ombudsman Visayas pursuant to Republic Act 8249 and RA 6770.

Article XXIV
LEGISLATIVE EVALUATION

SECTION 1. LOCAL LEGISLATIVE AWARDS. The Sangguniang Bayan shall annually participate in the competitive Search for Local Legislative Awards.

SECTION 2. ANNUAL ASSESSMENT. The Sanggunian Secretary in coordination with the Presiding Officer, Majority and Minority Floor Leaders shall fill up the LA-SB-CC Form 2, as follows:

LA-SB / SP - CC Form 2

LOCAL LEGISLATIVE AWARD
CONSOLIDATED PERFORMANCE EVALUATION FORM
(Component Cities / Municipalities Including Municipalities in Metro Manila)

A. IDENTIFYING INFORMATION

Contestant Sanggunian

City / Municipality

Province

Region

B. EVALUATION CRITERIA

CRITERIA	ASSIGNED TOTAL POINT SCORE
Effectiveness of the Legislative Agenda	35
* The Legislative Agenda complements the Executive Agenda	10.0
* Prior consultation with stakeholders in the development of the Legislative Agenda	10.0
* The Legislative Agenda provides legislative action on the Comprehensive Development Plan	10.0
* The Legislative Agenda promotes and supports provincial, regional and national priority development thrusts	5.0
Effectiveness of the legislative Tracking System	10
* All ordinances and resolutions since the enactment of the Local Government Code of 1991 are on file	3.0
* Ordinances and resolutions are indexed by subject, by sponsor and by date of approval	1.0
* Hard copies of ordinances are indexed by subject by sponsor and by date of approval	1.0
* Ordinances and resolutions can be searched and copied or printed by staff	2.0
* Mechanisms for communicating and monitoring the impacts of local legislations	3.0
Availability of Legislative Documents	10
* Journal of Sanggunian Proceedings	4.0
* Minutes of the sessions duly signed by all members present or certified by the Sanggunian Secretary	4.0
* Committee Reports signed by majority of all members	1.0

* Notices of special sessions	1.0	
Efficiency of Performance of the Sanggunian		35
* Number of ordinances enacted with impact on the local communities. (Lists of ordinances are enumerated at the back of the Form)	15.0	
* Number of resolutions approved with impact on local communities and localization of national legislations	10.0	
* Internal Rules of Procedure contain the following minimum requirements, i.e., organization of the Sangguniang and election of its officers, as well as creation of standing and special committees, order and calendar of business for each session, legislative process, parliamentary procedure, and discipline of members	10.0	
Quality of office set-up and staff complement		10
* Session Hall with appropriate fixtures and equipment	3.0	
* Legislative Offices for individual member with appropriate fixtures and equipment	2.0	
* Staff complement of at least one (1) legislative staff per member, other than the SB Secretary	2.0	
* Presence of an Office for the Sanggunian Secretary	3.0	

Article XXV
LOCAL INITIATIVE AND REFERENDUM

SECTION 1. LOCAL INITIATIVE . — Local initiative is the legal process whereby the registered voters of LGU-Loon or barangay may directly propose, enact, or amend any ordinance through an election called for the purpose.

SECTION 2. PROCEDURE IN LOCAL INITIATIVE.

- a) The exercise of the power of initiative shall commence with the filing of a petition with the sanggunian concerned.
- (b) Not less than one hundred (100) registered voters in the municipality, or fifty (50) registered voters in the case of barangays, may file a petition with the sanggunian concerned proposing the adoption, enactment, repeal, or amendment of an ordinance.
- (c) If no favorable action thereon is taken by the sanggunian concerned within thirty (30) days from the presentation of the petition, the proponents, through their duly authorized and registered representatives, may invoke their power of initiative, giving notice thereof to the sanggunian concerned.

SECTION 3. PETITION. — A petition is a written instrument containing the proposition and the required number of signatories in the form to be prescribed by the COMELEC. A petition shall state the following:

- a) Contents or text of the proposed ordinance sought to be enacted, approved or rejected, amended or repealed, as the case may be;
- b) The proposition;
- c) The reasons therefore;
- d) That it is not one of the limitations provided in Article 152 of the Rule Implementing RA 7160;
- e) Signatures of the petitioners or registered voters;
- f) A formal designation of their duly authorized representatives;
- g) An abstract or summary proposition in not more than one hundred (100) words which shall be legibly written or printed at the top of every page of the petition.

SECTION 4. THE PROPOSITION.

- a) The proposition is the measure proposed by the voters.
- b) The proposition shall be numbered serially starting from Roman Numeral I.
- c) Two (2) or more propositions may be submitted in an initiative.
- d) The COMELEC or its designated representative shall extend assistance in the formulation of the proposition.

SECTION 5. COPIES OF PETITION AND NOTICE.

- a) If the subject is a municipal ordinance, the proponents shall furnish the provincial election registrar sufficient number of copies of the petition and notice for distribution to the barangays in the municipality.
- b) If the subject is a barangay ordinance, the proponents shall furnish the provincial election registrar sufficient number of copies of the petition and notice.
- c) The proponents shall likewise furnish copies of the petition and notice to the COMELEC in Manila, through its executive director and its Election Records and Statistics Department.

SECTION 6. POSTING. — Upon receipt of the petition and notice, all election officers concerned shall cause copies thereof to be posted conspicuously in public places in the LGU concerned, together with a notice of the dates of signing in accordance with the following article.

SECTION 7. SCHEDULE OF SIGNING OF PETITION. — Upon receipt of the notice and petition, the election officer in the LGU concerned shall schedule the signing of the petition in the LGU.

The collection of signatures shall commence on the first Saturday and Sunday following receipt thereof, and every Saturday and Sunday thereafter for a period of sixty (60) days for this municipality, and thirty (30) days for barangays.

Signing may also be done on weekdays in the office of the proper election registrar.

SECTION 8. SIGNATURE STATIONS. — Stations for collecting signatures may be established in as many places as may be warranted and as far as practicable, in public school buildings nearest the residence of the voters. For this purpose, the election registrar may cluster existing precincts into signature stations at a ratio of one (1) signature station for every ten (10) precincts. Each signature station shall be under the supervision of a public school teacher designated by the election registrar.

SECTION 9. PROCEDURE FOR SIGNING OF PETITION. — On any of the days scheduled for the signing of the petition, any registered voter in an LGU concerned, may assign the petition. The petition shall be signed before the election registrar, or his designated representatives, in the presence of a representative of the proponent and a representative of the sanggunian concerned, in a public place in the LGU concerned.

The signatures of the voters shall be affixed on the form prescribed by the COMELEC. Each voter shall affix his signature over his printed name and address. All illiterate or disabled voter, who is currently registered as such, shall be assisted by a person of his confidence. The election registrar shall have custody of all the forms used during the signing.

SECTION 10. VERIFICATION OF SIGNATURES. — The election registrar or his representative shall, during the period of signing, verify the genuineness and authenticity of the signatures by referring to the book of voters, voter's affidavits and voters' identification cards used in the immediately preceding election. The election registrar shall cancel any signature on the ground that it is forged or falsified, or that the signatory is not a registered voter, or that the signature of the voter appears more than once in the same or other forms. The determination by the election registrar of the genuineness and authenticity of the signatures shall be final.

SECTION 11. CERTIFICATION OF NUMBER OF REGISTERED VOTERS. — Upon receipt of a copy of the notice referred to in Article 139 of the Rule (Section 6, supra), the Election Records and Statistics Department of the COMELEC shall certify to the total number of registered voters in the constituency to which the initiative pertains, and immediately, send the certification to the highest local election officer of the LGUs affected.

Upon receipt of the certification from the Election Records and Statistics Department, the provincial election supervisor, or election registrar, as the case may be, shall post a copy of the certification on the bulletin board of his office.

SECTION 12. NUMBER OF SIGNATURES REQUIRED.

- a) An initiative on municipal ordinance shall be deemed validly initiated if the petition therefore is signed by at least ten percent (10%) of the registered voters in the municipality, of which every barangay must be represented by at least three percent (3%) of the registered voters therein.
- b) An initiative on a barangay ordinance is deemed validly initiated if signed by at least ten percent (10%) of the registered voters in said barangay.

SECTION 13. DETERMINATION OF PERCENTAGE AND CERTIFICATION, AND ACTION BY THE COMELEC. — Upon the lapse of the period for collecting signatures, the COMELEC, through its office in the LGU concerned, shall determine and certify whether or not the required number of signatures has

been obtained. Failure to obtain the required number defeats the proposition. Within fifteen (15) days from receipt of the certification, the COMELEC shall act on the findings of sufficiency or insufficiency of the petition for initiative.

SECTION 14. CALL FOR INITIATIVE BY THE COMELEC. — If the required number of signatures is obtained, the COMELEC shall set a date for the initiative during which the proposition shall be submitted to the registered voters in the LGU concerned for their approval within forty-five (45) days from the date of certification by the COMELEC in case of municipalities, and thirty (30) days in case of barangays. The initiative shall then be held on the date set, after which the results thereof shall be certified and proclaimed by the COMELEC.

SECTION 15. EFFECTIVITY OF LOCAL PROPOSITIONS. — If the proposition is approved by a majority of the votes cast, it shall take effect fifteen (15) days after certification by the COMELEC as if affirmative action thereon had been made by the local chief executive and the sanggunian concerned. If the proposition fails to obtain the required number of votes, the proposition is considered defeated.

SECTION 16. LIMITATIONS ON LOCAL INITIATIVE.

- a) The power of local initiative shall not be exercised more than once a year.
- b) An initiative shall extend only to subjects or matters which are within the legal powers of the sanggunians to enact.
- c) If at any time before the initiative is held, the sanggunian concerned adopts in to the proposition presented and the local chief executive approves the same, the initiative shall be cancelled. Those against such action may, if they so desire, apply for initiative in the manner provided in this Rule.

SECTION 17. LOCAL REFERENDUM DEFINED. — Local referendum is the legal process whereby the registered voters of LGUs may approve, amend, or reject any ordinance enacted by the sanggunian through an election held for the purpose.

SECTION 18. PROCEDURE IN LOCAL REFERENDUM.

- a) Any Sangguniang Bayan or Sangguniang Barangay may submit to the registered voters of this municipality or barangay, as the case maybe for approval or rejection any ordinance duly enacted by the Sangguniang Bayan pursuant to Section 447, RA 7160 or approved by said sangguniang barangay pursuant to Section 54c, RA 7160, or resolution duly passed by such sanggunian.
- b) The local referendum shall be held under the control and direction of the COMELEC within sixty (60) days in the case of a province or a city, forty-five (45) days in case of a municipality, and thirty (30) days in case of a barangay. The COMELEC shall certify and proclaim the results of the said referendum.
- c) The manner of securing the required number of signatures and other requisites for local referendum shall be the same as those for local initiative.

SECTION 19. LIMITATIONS UPON SANGGUNIAN. — Any proposition or ordinance approved through the system of initiative and referendum shall not be repealed, modified or amended by the sanggunian concerned within six (6) months from the date of approval thereof. Such proposition or ordinance may, however, be amended, modified or repealed by the sanggunian three (3) years thereafter by a vote of three-fourths (3/4) of all its members provided that in case of barangays, the period shall be eighteen (18) months after the approval thereof.

SECTION 20. AUTHORITY OF COURTS. — Nothing in this Rule shall prevent or preclude the proper courts from declaring null and void any proposition or ordinance approved in accordance with this Rule for violation of the Constitution or want of capacity of the sanggunian concerned to enact the said measure. (Rule XX, Articles 133-153, IIR, RA 7160)

Article XXVI

IMPLEMENTATION OF ORDINANCES

SECTION 1. IMPLEMENTATION SYSTEM. Ordinances duly enacted by the Sangguniang Bayan and approved by the Honorable Mayor, subject to the effectivity clause, shall be implemented in the following manner:

- 1) Administrative implementation .

The following shall coordinate in the strict and harmonious implementation of the duly approved ordinances and Codes:

- a) Municipal Mayor

- b) Vice-Mayor and Sangguniang Bayan Members –pursuant to the power of the Sanggunian “legislative tracking system”
 - c) Department and office heads and personnel
 - d) Philippine National Police
 - e) Regional Mobile Group and related forces
 - f) Punong Barangays
 - g) Barangay Kagawads in their respective puroks
 - h) Barangay Tanods and other barangay officials and personnel
 - i) Purok chairmen/presidents and purok officers
 - j) Heads of institutions, business establishments, associations
 - k) Household heads
- 2) Imposition of Penalties.
- The penal sanctions of the ordinance/ Code shall be imposed in two ways:
- a) Administrative imposition –for admitted violations, the violator/s may voluntarily pay the fine as provided for in the ordinance/ Code with corresponding receipt issued by the Municipal Treasurer.
 - b) Lupon imposition –wherein the violator/s shall pay the corresponding fine after due process in the barangay where the aforementioned ordinance/ Code is violated.

SECTION 2. SHARING SCHEME OF FINES. In the implementation of municipal ordinances by administrative imposition or through Lupon, the sharing of penalty shall be as follows:

- a) LGU-Loon - 40%
- b) Informant - 20%
- c) Apprehending personnel , preferably the officials, barangay tanods, PNP, or any private person - 20%
- d) Barangay - 20%

SECTION 3. INFORMANT. It shall be confidential in nature the name of the informant. The PNP shall issue a certification on the existence or non-existence of an informant/s to be presented to the Municipal Treasurer as a requirement for the release of the incentive due to the informant/s, without disclosing his/her identity.

SECTION 4. TREASURER’S OFFICE. The Municipal Treasurer shall implement the collection of penalties and payment of corresponding mobilization expense.

SECTION 6. INFORMANT-APPREHENDING ROLE. In the absence of specific informant, the entire 40% shall be given to the apprehending personnel or person by virtue of the exercise of citizen’s arrest.

SECTION 7. BARANGAY ORDINANCE VIOLATION. If the specific violation is also covered by the barangay ordinance duly declared valid by the Sangguniang Bayan, the Lupon may preferably apply the barangay ordinance duly violated in their specific area of jurisdiction, in which case, the fine imposed therein shall entirely go to the coffer of the barangay.

Part II

SANGGUNIAN QUASI-JUDICIAL MANAGEMENT

Article I

GENERAL PROVISIONS

SECTION 1. QUASI-JUDICIAL RULES. The resolution of administrative cases and settlement of boundary disputes shall be resolved by the Sangguniang Bayan with the application of its Quasi-Judicial Rules.

SECTION 2. RULES OF COURT. The applicable Rules of Court shall also be applied insofar as the said rule can facilitate in the administration of justice, but not in a strict sense, considering that quasi-judicial bodies are not bound by the Rules of Courts. Technicalities should be avoided.

SECTION 3. TECHNICAL RULES.

- 1) The Quasi-judicial Body or the Committee which hears the case shall not be bound by the Technical Rules of Evidence.

- 2) Technical rules of court practice, procedures, and evidence are not to be applied with rigidity in administrative proceedings.
- 3) It is not required that investigation be in the nature of a court trial.
- 4) Administrative bodies enjoy a wide discretion.
- 5) It is sufficient that the substantive due process requirement of fairness and reasonableness be observed.” (Manuel vs. Villena, 37 SCRA 745; also Asprec Vs. Itchon, 16 SCRA 912).

SECTION 4. JURISDICTION. The Sangguniang Bayan in the exercise of its Quasi-Judicial Power shall have jurisdiction in hearing the following cases:

- a) Administrative case – a complaint filed against any elective barangay official, pursuant to Section 61 paragraph “c”, of RA 7160., or a referral from the Office of the Ombudsman Visayas for administrative adjudication against a municipal appointive official or employee pursuant to Section 23 (2) of RA No. 6770, otherwise known as the Ombudsman Act of 1989.
- b) Boundary dispute case- a complaint filed by the barangay against a neighboring barangay, or a boundary dispute which involves 2 or more barangays of this municipality, pursuant to Section 118, paragraph “a” of RA 7160.

SECTION 5. CONSTRUCTION. The rules of procedure shall be liberally construed. (*Realty Exchange Venture Corp. v. Sendino*, 233 SCRA 665). Substantial compliance of the rules shall suffice so long as its main purpose is achieved. (*In the Matter of the Greater Manila Conference of the Philippine Pentecostal Holiness Church, Inc. v. Dantes*, Oct. 28, 1996).

SECTION 6. CONFLICT OF PROVISIONS.

- 1) When there is a conflict between Internal Rules of Procedure (IRP) and Local Government Code, the latter prevails.
- 2) When there is a conflict between the IRP and Supreme Court decision, the latter prevails.
- 3) When there is a conflict between customs and traditions and Supreme Court decision, the latter prevails.
- 4) When there is a conflict between customs and traditions or practices and Local Government Code, the latter prevails

SECTION 7. NON-PRESCRIPTIBILITY OF OFFENSE.

- 1) Administrative offense does not prescribe.
- 2) Resignation of service does not prevent the filing of an administrative case, nor prevent the imposition of a penalty (Pagan vs. Nazarro, Sept 21, 2007).

SECTION 8. APPOINTIVE BARANGAY OFFICIALS. The Sanggunian can acquire jurisdiction over appointive barangay officials on reason of conspiracy or as principal by direct participation, principal by indispensable cooperation, or as accomplice to the offense.

SECTION 9. QUASI-JUDICIAL BODY. For purposes of exercising quasi-judicial powers in the conduct of the hearing and/or rendition of decision, the Sangguniang Bayan shall be converted into a Quasi-Judicial Body in the following ways:

- 1) Automatic conversion – without need of a motion on the following instances:
 - a) if the administrative case or boundary dispute is referred to the entire Sanggunian through a “Committee of the Whole”, also known as “full court” or “en banc”.
 - b) if during the regular or special session, only one item is calendared for deliberation which is the hearing or resolution/ settlement of the case.
- 2) Conversion 2/3 votes from among the members present - if the case or dispute is included as one of the items in the Order or Calendar of Business.

SECTION 10. SANGGUNIAN CAPACITY.

- 1) In conducting an administrative investigation or settlement of boundary disputes, the Sanggunian is no longer acting as a “legislative body” but a “quasi- judicial body”.
- 2) In the exercise of legislative powers of the Sangguniang Bayan, it is governed by the Sanggunian’s Internal Rules of Procedure. In the exercise of its quasi-judicial powers, it is governed by the Quasi-Judicial Rules of the Sangguniang Bayan.

The presence of a quorum is always required in both instances as a sine qua non for the validity of its decision.

SECTION 11. KINDS OF SANGGUNIAN INVESTIGATION. There are two kinds of “investigation” being conducted by the Sanggunian:

- 1) Fact- finding investigation – which is conducted by the Sanggunian “in aid of legislation” in the Sanggunian’s capacity as a legislative body which can be delegated to its standing committees or special/ ad hoc committees.
- 2) Administrative investigation - being conducted by the Sanggunian in its capacity as a “quasi-judicial body” which should be conducted by the Sanggunian itself sitting en banc.

SECTION 12. MAYOR’S APPROVAL.

- 1 The approval of the Mayor is not required if the action of the sanggunian is pursuant to its quasi-judicial function.
- 2) The mayor can only approve or veto a legislature measure pursuant to ordinance-making power of the sanggunian.

Article II

RULES IN RESOLVING ADMINISTRATIVE CASES

SECTION 1. GROUNDS FOR DISCIPLINARY ACTIONS – An elective barangay official may be disciplined, suspended, or removed from office on any of the following grounds:

- 1) Disloyalty to the Republic of the Philippines- an act of renouncing allegiance to the Philippines by way of application for, or acquisition of, foreign citizenship or residence or the status of an immigrant of another country, or seeking to remove allegiance from the Republic such as rebellion or insurrection.(Patricio, N.M., Local Governments, p. 190).
- 2) Culpable Violation of the Constitution- a deliberate or willful violation of the fundamental law.
- 3) Dishonesty- is lack of honesty or integrity or disposition to deceive or defraud, such as, but not limited to malversation, falsification, etc., or concealment or distortion of truth in a matter of fact relevant to one’s office or connected with the performance of his duties. (Sec.8, PD 971).
- 4) Oppression- an act of cruelty, severity, unlawful exaction, domination or excessive use of authority. (Ochate Vs. Ty Deling, 105 Phil. 390).
- 5) Misconduct in Office - a transgression of some established and definite rule of conduct, more particularly unlawful behavior or gross negligence by the public officer, whether involving dishonest, oppression or any form of misdeeds, a wrongful intention and not a mere error of judgment, and which affects the performance of duties as a public officer and not as a private individual. (In Re: Horilleno, 43 Phil. 214; see also Lacson Vs. Roque, 82 Phil. 465; Ochate Vs. Ty Deling, 105 Phil. 384; Cornejo Vs. Naval, 54 Phil. 699).
- 6) Neglect of Duty – the omission or refusal, without sufficient excuse, to perform an act or duty, or the disregard of some duty imposed by law. ((Sec. 8 PD 971; Murillo vs. Mendoza, 66 Phil. 699).
- 7) Commission of any offense involving moral turpitude or any offense punishable by at least prison mayor which is from six (6) years and one (1) day to twelve (12) years imprisonment, covering acts considered to be immoral in itself classified as “mala en se” or “acts wrong in themselves” which are acts of bareness, vileness, or depravity in the private and social duties which a man owes to his fellowmen or to society in general, contrary to the accepted and customary rules of right and duty between man and woman, or conduct contrary to justice, honesty or good morals. (In Re: Basa, Phil. 276; Tak Ng Vs. Republic, 106 Phil 7300.
- 8) Abuse of Authority – Excessive use of power or authority unbefitting of a public official, or acts committed in excess of one’s power or authority as conferred on him by the law or outside of one’s duties and functions. (Patricio, N.M., Local government p. 191).
- 9) Unauthorized absence for fifteen (15) consecutive working days - in case of punong barangay and four (4) consecutive sessions in the case of members of the Sangguniang Barangay.

- 10) Such other grounds as may be provided by existing laws under RA 7160- Local Government Code of 1991, RA 6713-Code of Conduct and Ethical Standards for Public Officials and Employees , RA 3019- Anti-Graft and Corrupt Practices Act, EO 292- Administrative Code of 1987, the Revised Penal Code and all other applicable general and special laws.

SECTION 2. ADMINISTRATIVE JURISDICTION. Verified administrative complaints against elective barangay officials shall be filed to:

- 1) Ombudsman - if the penalty sought for is removal from office. An elective local official may be removed from office on the grounds enumerated in Section 60 by order of the proper court. (Art. 124 IRR of RA 7160 and Sec. 60 h, RA 7160).

Exceptions— The Office of the Ombudsman may not conduct the necessary investigation of any administrative act or omission complained of if it believes that:

- (1) The complainant has an adequate remedy in another judicial or quasi-judicial body;
 - (2) The complaint pertains to a matter outside the jurisdiction of the Office of the Ombudsman;
 - (3) The complaint is trivial, frivolous, vexatious or made in bad faith;
 - (4) The complainant has no sufficient personal interest in the subject matter of the grievance; or
 - (5) The complaint was filed after one (1) year from the occurrence of the act or omission complained of. (Section 20, RA 6770, Ombudsman Act)
- 2) Regional Trial Court – if the penalty is removal from office (Sec.60,h,RA 7160; Don Mariano Marcos, Bayombong, Nueva Viscaya vs. Martinez G.R. No. 170626). The power to remove elective local officials is granted only to the proper courts, thus, nullifying Article 124b, Rule XIX of the Rules and Regulations Implementing the Local Government Code of 1991 which authorizes the “disciplining authority” to do so .(*Salalima v. Guingona, Jr., May 22, 1996*).
 - 3) Sangguniang Bayan – if the penalty sought for is not removal, but public censure, reprimand, or suspension, with concurrent jurisdiction of the office of the Ombudsman. (Rodriguez vs. Ombudsman, G.R. 172700, July 23, 2010; Sanchez vs. Demetriou, 227 SCRA 637). The Sangguniang Bayan cannot order removal of an erring elective barangay official. (Sec 60,h, RA 7160; Don Mariano Marcos, Bayombong, Nueva Viscaya vs. Martinez).

SECTION 3. EXCLUSIONARY RULE.

- 1) The Ombudsman has concurrent jurisdiction with the Sangguniang Bayan over administrative cases against elective Barangay officials occupying positions below Salary Grade 27. (Republic Act No. 8429)
- 2) The body in which the complaint is filed first, and which opts to take cognizance of the case, acquires jurisdiction to the exclusion of other tribunals exercising concurrent jurisdiction. (Rodriguez vs. Ombudsman, July 23, 2010; Section 23 of RA 6770, Ombudsman Act of 1989).

SECTION 4. OMBUDSMAN REFERRAL. Any refusal or delay without just cause in acting on any referral made by the Office of the Ombudsman shall be a ground for administrative action against the officers or employees/ Sangguniang Bayan to whom such referrals are addressed. (Sec.23, RA 6770).

SECTION 5. FILING OF ADMINISTRATIVE COMPLAINT.

- 1) A verified complaint - against any erring elective barangay officials shall be prepared and filed before the Sangguniang Sangguniang Bayan whose decision shall be final and executory (Sec. 61,c, R 7160). The DILG shall be furnished copy of the verified complaint. (Sec.61,RA 7160 and Art. 125, IRR). The Ombudsman exercises concurrent jurisdiction with the proper court if the penalty sought is removal from office. The Sangguniang Bayan has no power to remove an elective barangay official. Apart from the Ombudsman, only a proper court may do so (Rodriguez v. Ombudsman, 2010’; Pablico v. Villapando, July 31, 2002). The extreme penalty that the Sangguniang Bayan may impose on the erring elective barangay official is suspension (*SB of Barangay Don Mariano Marcos v. Martinez, G.R. No. 170626, 3 March 2008, 547 SCRA 416*).
- 2) Unverified complaint –against erring elective barangay officials shall be filed at:
 - a) Sangguniang Bayan - to be referred to the standing Committee on Good Government, Public Ethics and Accountability for purposes of legal advice (Section 447, a, 1, xxi, RA 7160)

- b) Ombudsman- which receives even an anonymous complaint or complaints from any source in whatever form concerning an official act or omission (Section 26 of RA 6770).
- c) Office of the MLGOO – for purposes of moral and authoritative guidance
- d) Office of the Mayor – for purposes of executive enforcements affecting the programs, projects and activities of the LGU (Sec 444, b, 1, RA 7160)

SECTION 6. FORUM SHOPPING. The rule against forum shopping applies only to judicial cases or proceedings, not to administrative cases (Rodriguez vs. Ombudsman, July 23,2010; Laxina, Sr. v. Ombudsman, Sept 30, 2005). An administrative case may be initiated by a written complaint under oath accompanied by affidavits of witnesses and other evidence in support of the charge.

SECTION 7. FLOW OF ADMINISTRATIVE PROCEEDINGS. The following flow in the conduct of administrative proceedings shall be observed:

- a) Submission of the Verified Complaint to the SB Secretary against elective barangay official/s with appointive barangay official/s alleged to have conspired with the elective respondents.
- b) Verified Answer from the respondent/s to be submitted not later than 15 days from receipt of the complaint/s.
- c) Observance of Calendar Administrative Proceedings
 - Investigation starts within 10 days from receipt of respondent's answer.
 - The case shall be decided within 120 days from date of receipt thereof
 - The case shall be investigated/ heard within 90 days and shall be decided for a period of 30 days, or a total of 120 days period
- d) Preliminary/ Pre-Hearing Conference
- e) Preliminary Investigation
- f) Issuance of Preventive Suspension in a maximum of 60 days
- g) Series of Hearings/ Investigation Proper- reception of evidences from both parties
- h) Decision
- i) Implementation

SECTION 8. COMMENCEMENT OF ACTION. Actions on administrative cases shall be commenced as follows:

- (a) direct filing - at the office of the Sangguniang Bayan Secretary. The counting of the date of receipt shall be based on the actual date of referral and receipt by the Chairman or in his absence, Vice – Chairman of the Committee on Good Government during the First Reading
- (b) per referral - from the Office of the Ombudsman Visayas for administrative complaint against the barangay elective official or municipal appointive official or employee pursuant to Section 23 (2) of RA No. 6770, otherwise known as the Ombudsman Act of 1989. The counting of the date of receipt shall be based on the actual date of referral and receipt by the Chairman, or in his absence, the Vice–chairman of the Committee on Good Government.

SECTION 9. FORM AND FILING OF ADMINISTRATIVE COMPLAINTS –

- 1) Administrative complaint against any erring elective barangay official must be verified and shall be filed before the Sangguniang Bayan whose decision shall be final and executory (Section 61 RA 7160).
- 2) Verification contains the following clauses: name of affiant as plaintiff, that he has caused the complaint to be prepared, has read and knows the contents, and the same are true to his knowledge. (*legal forms*).
- 3) Verification may be dispensed with in the following instances:
 - a) if it is initiated by the disciplining authority (Sec. 47e, chapter 7, 1987 Administrative Code, e.d. 292)
 - b) substantially complied complaint – is a defective complaint due to lack of verification which may be disregarded (*Quinapo V. De La Victoria, 46 scra 139*) since it is a mere formal requirement and not jurisdictional (*Buena Ventura V. Uy, 149 scra 22*), provided, there is substantial compliance (*Enforcer Security Protective Agency V. Agloro, Nov. 10, 2000*) based on the doctrine of substantial justice. (*G and P Manpower V. NCRC 208 SCRA166*). Hence, the quasi-judicial body may simply order the verification or act on the unverified pleading and waive strict compliance of the rules. (*Jimenez V. Court of Appeals Nov. 14, 1996*)

SECTION 10. PARTY RESPONDENT/S

The following may be the respondent/s upon which the Sangguniang Bayan exercises its jurisdiction on administrative complaints:

- a) elective barangay official
- b) appointive barangay official who is charged with the elective barangay official
- c) municipal appointive official or employee but whose finding shall be forwarded to the Office of the Ombudsman Visayas for promulgation of judgment.

SECTION 11. NOTICE TO PARTY RESPONDENT – Within seven (7) days from receipt of the complaint complying with the substantial and formal requirements, the Sangguniang Bayan concerned shall forward a written notice to the respondent, attaching therein a copy of the complaint and other documentary evidences (Sec. 62[a], LGC).

SECTION 12. ANSWER OF THE PARTY RESPONDENT – Within fifteen (15) days from receipt of the notice, the respondent shall file his verified or personally prepared and subscribed answer to the Sanggunian attaching therein all his documentary evidences and affidavits of his witnesses. (Sec.62[a], LGC).

In case the respondent fails to file within the prescribed period, he is considered to have waived his right and the investigation shall proceed ex- party.

SECTION 13. COMMITTEE REFERRAL FOR PRELIMINARY INVESTIGATION – Upon receipt of the answer, the sanggunian shall refer the case to the appropriate committee, preferably the Committee on Good Government, for the conduct of the preliminary investigation, except if the Body agrees to refer the case to the “Committee of the Whole” pursuant to Section 8 (2) 1a, Article I, hereof.

SECTION 14. PRELIMINARY/ PRE – HEARING CONFERENCE – The committee may call the parties to a pre-hearing conference to consider the following:

- 1) Whether there is a possibility for the parties to arrive at an amicable settlement;
- 2) Whether they be assisted by their respective counsels, or not
- 3) Whether the parties desire for a formal investigation or are willing to submit the case for resolution upon submission of their respective position papers together with the documentary evidences;
- 4) Whether the parties desire for a formal investigation to consider the possibility of obtaining stipulation or admission of facts and of documents, limitation of the number of witnesses, dates of hearing, and such other matters for a prompt disposition of the case.

SECTION 15. DETERMINATION FOR THE ISSUANCE OF A PREVENTIVE SUSPENSION –

- 1) The committee shall evaluate the complaint and the answer as well as the attached documents, whether there is a necessity for putting respondent under preventive suspension.
- 2) Preventive suspension in administrative cases is different from the preventive suspension which the Court, upon prior determination of the validity of criminal information, may order or issue against any public officer or employee. (Bayos Vs. Villacruz, G.R. No. L-48982, March 30, 1979).
- 3) In administrative actions against local elective officials, the grounds for suspension are classified into two categories, viz:
 1. Those related to the discharge of the functions of the officer concerned, such as but not limited to neglect of duty, oppression, corruption or other forms of mal-administration in office; and
 2. Those not so connected with said functions - when the crime involving moral turpitude is of with the performance of official duties, conviction by final judgment is required as a condition precedent to administrative action. (Festijos vs. Crisologo, et. Al., 17 SCRA 868; Palma Sr. vs. Fortich, 147 SCRA 397).

SECTION 16. REQUIREMENTS FOR PREVENTIVE SUSPENSION. The following are the indispensable requirements for the issuance of a preventive suspension:

- a) The issues are joined;
- b) The evidence of guilt is strong;
- c) Given the gravity of the offense, there is great probability that the continuance in office of the respondent could influence the witnesses or pose a threat to the safety and integrity of the records and other evidence (Sec. 63[b], LGC; Joson v. Torres, May 20, 1998 citing Section 63 of RA 7160)

SECTION 17. SANGGUNIAN RESOLUTION. After determination of the requirements above, the Committee shall recommend for the issuance of the Order of Preventive Suspension to the Sanggunian; and after finding the recommendation to be in order, the Sanggunian shall pass a resolution preventively suspending the respondent.

SECTION 18. IMPOSITION OF PREVENTIVE SUSPENSION –

- 1) Preventive suspension is an incident to jurisdiction and/or a tool for the disciplining authority to make use of in the course of its administrative investigation. The disciplining authority which is the Sangguniang Bayan has the sole power and discretion to determine whether or not preventive suspension so warrant. Hence, the power to impose preventive suspension by the local chief executive is purely ministerial (DILG Opinion No. 56, s. 1997).
- 2) The resolution preventively suspending the respondent shall be forwarded to the Municipal Mayor for his implementation (Sec. 63 [a](3), LGC).
- 3) The mayor shall issue an Executive Order of Preventive Suspension pursuant to the resolution passed by the disciplining authority, the Sangguniang Bayan. (Don vs. Lacsá, 2007)
- 4) Only the mayor can impose preventive suspension over the erring barangay officials under investigation by the Sangguniang Bayan. (Section 63, RA 7160)
- 5) The mayor cannot, on his own, impose preventive suspension without directive from the sanggunian concerned. The sanggunian concerned is the investigating or disciplinary authority. It has the sole power and discretion to determine whether or not preventive suspension so warrants against the respondent.
- 6) The inaction of the mayor to impose preventive suspension may give rise to a ground for administrative sanction.
- 7) The mayor can be compelled to act thereon by way of MANDAMUS in an appropriate proceeding instituted before the proper forum.
- 8) It is the ministerial duty of the mayor to impose Preventive Suspension against the barangay official if the resolution “directs” him to do so. If the resolution merely recommends, it is discretionary on his part to impose or not. (DILG Opinion 31 s. 2009; Matugas vs. Judge Buysar and Mayor Navarro, CA-G.R. No. 5560)
- 9) No salary shall be received by the respondent during his preventive suspension.
- 10) Once exonerated, he shall be paid FULL SALARY or COMPENSATION including such emoluments accruing during such suspension (Section 64, RA 7160).
- 11) Upon expiration of the preventive suspension, the suspended elective barangay/ local official shall be deemed reinstated in office without prejudice to the continuance of the proceedings against him, which shall be terminated within one hundred and twenty (120) days from the time he was formally notified of the case against him. If the delay in the proceedings of the case against him is due to his fault, neglect, or request, other than the appeal duly filed, the duration of such delay shall be counted in computing the time of termination of the case.
- 12) The preventive suspension earlier imposed is automatically lifted at the start of the 90-day period (Section 62 (c), RA 7160).
- 13) No investigation shall be held within ninety (90) days immediately prior to any local elections, and no preventive suspension shall be imposed within the same period. If preventive suspension has been imposed prior to the ninety (90) days period immediately preceding local elections, it shall be deemed automatically lifted upon the start of the said period. (Sec. 62, RA 7160 and Art. 126, IRR).
- 14) Any abuse in the exercise of the power of preventive suspension shall be penalized as abuse of authority.

SECTION 19. PERIOD OF PREVENTIVE SUSPENSION – Any single preventive suspension of barangay elective official shall not extend beyond sixty (60) days. In the event that several administrative cases are filed against said elective barangay official, he cannot be preventively suspended for more than ninety (90) days within a single year on the same ground existing and known at the time of the first suspension.

SECTION 20. EFFECT OF PREVENTIVE SUSPENSION – The respondent official preventively suspended from office shall receive no salary of compensation during such suspension; but upon subsequent exoneration and reinstatement, he shall be paid full salary or compensation including such emoluments accruing during such suspension. (Sec.64,RA 71650 and Art. 127, IRR)

SECTION 21. COMMENCEMENT OF INVESTIGATION

- 1) The Sanggunian shall commence the investigation of the case within ten (10) days after the receipt of the answer of the respondent.
- 2) Unreasonable failure of the Sangguniang Bayan to commence the investigation within the prescribed period shall be a ground for disciplinary action.

SECTION 22. FORMAL INVESTIGATION – The respondent shall be accorded full opportunity to appear and defend himself in person or by counsel, to confront and cross-examine the witnesses against him, and to require the attendance of witnesses and the production of documents through the compulsory process of subpoena *ad testificandum* and subpoena *duces tecum* (Sec. 65, LGC).

SECTION 23. INVESTIGATION PROPER. The investigation proper cannot be delegated to any committee. “The investigation of the charges conducted by the committee of the municipal council is null and void. The investigation must be conducted by the council itself.” (Crispin Carmona et. Al., Vs. Felix Amante, 99 Phil. 7160, August 14, 1956).

SECTION 24. ORDER OF HEARING – The order of hearing shall be as follows:

- a) The complainant shall produce the evidence on his part;
- b) The respondent shall offer evidence on his part;
- c) The parties may then respectively offer rebutting evidence unless the Committee for good reasons and in the furtherance of justice, permits them to offer evidence upon the original case.

SECTION 25. ORDER OF EXAMINATION – The order in which a witness may be examined shall be as follows:

- a) Direct examination by the complainant;
- b) Cross-examination by the respondent;
- c) Re-direct examination by the complainant; and
- d) Re-cross examination by the respondent;

SECTION 26. EVIDENCE PRESENTATION.

- 1) The parties shall be required to submit their respective memoranda after formal investigation and hearing.
- 2) Administrative cases against elective local officials shall not be decided on the sole basis of position papers (Joson v. Torres, 1996).
- 3) Only substantial evidence or degree of proof is required to arrive at a decision. Substantial evidence is such relevant evidence as reasonable mind might accept as adequate to support a conclusion (Tolentino v. CA. 150 SCRA 26).
- 4) There is SUBSTANTIAL EVIDENCE when there is RELEVANT EVIDENCE sufficient to support the decision.
- 5) The requirement is satisfied where there is reasonable ground to believe that the petitioner is guilty of the act or omission complained of, even if the evidence might not be overwhelming (Tolentino v. Loyola, G.R. No. 153809, July 27, 2011).

SECTION 27. TERMINATION OF INVESTIGATION – The formal investigation shall be terminated by the Committee within ninety (90) days from the start thereof and shall make a written report and/or submit a draft decision to the Sanggunian with its finding and recommendations.

SECTION 28. PLEADINGS ALLOWED. Only the complaint and the answer are the pleadings allowed by law. Motions are generally prohibited, unless for meritorious grounds.

SECTION 29. VENUE OF THE INVESTIGATION – The venue for the conduct of the investigation shall be at the session hall of the Sangguniang Bayan (Sec. 60 [b], LGC).

SECTION 30. RESPONDENT’S DUE PROCESS RIGHTS. The respondent shall exercise his due process right, as follows:

- 1) Right to a speedy disposition of a case- with the following factors to be considered and balanced: (1) the length of delay; (2) the reasons for the delay; (3) the assertion or failure to assert such right by the accused; and (4) the prejudice caused by the delay (Roquero v. Chancellor of UP-Manila, G.R. No. 181851, March 9, 2010).
- 2) Right against vexatious, capricious, and oppressive delays – with unjustified postponements of the trial, or a lapse of a long period of time without the party having his case tried (Roquero v. Chancellor of UP-Manila, G.R. No. 181851, March 9, 2010).
- 3) The right to appear and defend himself in person or by counsel. The assistance of lawyers while desirable, is not indispensable (Nera v. Auditor General, Aug.3, 1988).
- 4) The right to confront and cross-examine the witnesses against him.
- 5) The right to compulsory attendance of witness and the production of documentary evidence (Joson v. Torres, May 20, 1998 citing Section 65, RA 7160).

SECTION 31. SANGGUNIAN DUE PROCESS.

- 1) Due process of law means that before a man be deprived of his life, liberty, or property, he must be given an opportunity to defend himself.” (Cornejo vs. Tan, SP- 01914, 1974).
- 2) “The essence of due process is to be found in the reasonable opportunity to be heard and to submit any evidence one may have in support to one’s defense.” (Tajonera Vs. Lamaroza, 110 SCRA 438; see also Richard Vs. Asoy, 152 SCRA 45).
- 3) “Notice of hearing is essential to due process of law: (Reyes vs. Subido, L- 27916, Aug. 21, 1975; Auyong Vs. Court of Tax Appeals, 59 SCRA 110).
- 4) “To be heard does not only mean verbal arguments, one may be heard also through pleadings, where opportunity to be heard, either through oral arguments or pleadings is accorded, there is no denial of due process.” (Yap et. Al., Vs. Intermediate Appellate Court, GR. No. 73451, March 28, 1986).
- 5) The sanggunian has no compulsory process to require persons to appear before it pursuant to its legislative function. Such power belongs only to Congress (Negros Oriental Electric Cooperative Inc. v. SP of Dumaguete City, 155 SCRA 421).
- 6) The Sanggunian has no duty to furnish the person being investigated with counsel (Lumiqued v. Exevea, G.R. 117565, Nov. 18, 1997).
- 7) The sanggunian can only issue subpoena pursuant to its quasi-judicial function.
- 8) The Sanggunian exercises no power to cite a person in contempt. It has to file action with regular court to cite a person in contempt.

SECTION 32. WITHDRAWAL OF COMPLAINT.

- 1) Desistance and withdrawal of verified complaint do not warrant dismissal of administrative complaint.
- 2) The real party in interest is the state. Administrative case is imbued with public interest.
- 3) Complainant is a mere witness in an administrative complaint.
- 4) The case shall be dismissed if it cannot proceed without active participation of the complainant and not because of the withdrawal of the complaint.

SECTION 33. COMPROMISE. The compromise agreement between complainant and respondent, or the fact that complainant already forgave respondent, does not necessarily warrant the dismissal of the administrative case (Benigno B. Reas v. Carlos M. Relacion, A.M. No. P-05-2095, Feb. 9, 2011).

SECTION 34. CONDONATION.

- 1) Personal Condonation. Administrative actions cannot depend on the will or pleasure of the complainant who may, for reasons of his own, personally condone what may be detestable (Chan v. Olegario, Dec.6, 2010).
- 2) Sovereign Condonation.
 - a) Reelection of the public official operates as condonation by the electorate of the misconduct committed by him during his previous term (Aguinaldo v. Santos, 212 SCRA 768).
 - b) Re-election renders moot and academic the administrative case filed against the local official.
 - c) “When the people elected a man to office, it must be assumed that they did this with knowledge of his life and character, and that they disregarded or forgave his faults or misconduct, if he had been guilty of any.
 - d) It is not for the court, by reason of such faults or misconduct, to practically overrule the will of the people” (*Pascual v. Hon. Provincial Board of Nueva Ecija*, 106 Phil. 406; *Aguinaldo v. Santos*, 1992).
 - e) The “sovereign” condonation rule applies even if the administrative complaint is not filed before the reelection of the public official (*Garcia vs Mojica*, Sept.10, 1999)
 - f) As long as the alleged misconduct was committed during the prior term and as long as the wrongdoing that gave rise to the public official's culpability was committed prior to the date of reelection, the condonation rule applies. Date of filing is immaterial (*Garcia v. Mojica*).
 - g) The condonation rule applies if the adverse decision against the respondent is not yet final and executory on the day of the election due to pendency of appeal.
 - h) “The Supreme Court has been consistent in its ruling that for condonation to apply, reelection should be the same position for misconduct committed during a “prior” term.” (Opinion of the Ombudsman dated March 09, 2012)
 - i) Election to different post in the same local government unit does not extinguish administrative liability. It must be for the same position. The term is REELECTION.

(Ombudsman Opinion dated March 9, 2012; DILG Opinion 09A s. 2013 dated March 2013).

- j) The doctrine of “sovereign” condonation does not apply to criminal cases. Re-election of a public official does not bar the prosecution for crimes committed by him prior thereto (*Aguinaldo v. Santos*, G.R. No. 94115, August 21, 1992).
- 3) Abandoned Sovereign Condonation Doctrine. Pursuant to Ombudsman Conchita Carpio Morales vs Court of Appeals and Makati Mayor Jejomar Erwin Binay, Jr. (GR Nos. 217126-27, Nov.10, 2015), the 1959 Aguinaldo condonation doctrine is hereby abandoned. In effect, the Sangguniang Bayan, in the exercise of its quasi-judicial powers, shall not honor the re-election of barangay officials as a defense in evading liabilities for acts committed during their previous terms in office.

SECTION 35. PROHIBITED ADMINISTRATIVE INVESTIGATION. No administrative investigation shall be conducted within ninety (90) days prior to “any election” [Section 62(c), RA 7160(DILG Opinion 67, s. 2007; DILG Opinion 27 s. 2013).

SECTION 36. CONDUCT OF ADMINISTRATIVE INVESTIGATION.

- 1) Administrative charges must be investigated by the municipal council and that an investigation conducted by either a member or committee thereof, is null and void, even if the council shall have approved the action and recommendation of its investigating member or committee. (*Romulo Cuyo vs. City of Baguio, et. Al.*, 101 Phil. 558; see also *Covachea vs. Amante*, L-8358, May 25, 1956; *Senarillos vs. Hermosisma*, 100 Phil. 501; *Marifosque Vs. Luna*, L-9095, May 25, 1957).
- 2) Members of a council may take a decision thereof only when duly assembled in session as such body. Their individual separate acts are not of the council and do not carry the authority thereof. There must be a meeting for deliberation... (*Cooley, R.W., Municipal Corporation*, p. 154-155).
- 3) The procedure of requiring position papers in lieu of a hearing in administrative cases is expressly allowed with respect to appointive officials but not to those elected. (*Joson vs. Torres*, [G.R. No. 131255. May 20, 1998])
- 4) Investigation may be delegated to the committee. What cannot be delegated is the decision-making (*Hon. Eduardo Nonato Joson, In His Capacity as the Governor of the Province of Nueva Ecija, Petitioner, Vs. Executive Secretary Ruben D. Torres*, G.R. No. 131255. May 20, 1998)
- 5) A Special Investigation Committee may be created to conduct the investigation. But it is the collegial body which shall adopt or modify the committee recommendation. (*Don Vs. Lacsa* (2007) G.R. NO. 170810 : August 7, 2007]
- 6) Findings of the committee remain to be recommendatory in nature unless adopted by the collegial body. Adoption must be expressly so stated in the form of resolution.

SECTION 37. REQUIREMENTS IN RENDERING A DECISION.

- 1) The Sanggunian, thru a resolution, may create a committee to prepare the “draft” of the body’s decision or verdict.
- 2) The “draft” of the decision is, however, still subject to the consideration and concurrence of the body.
- 3) The municipal council in its resolution, approved and adopted the draft of the decision submitted by the committee which it created for that purpose, and it categorically stated in the resolution that said committee was created after the municipal council had already reached its verdict in connection with certain administrative charges, and that all members of the council have affixed their signatures to the decision. (*Estoesta Vs. Mayor of Agoo*, No. L18849, June 29, 1963; 8 SCRA 438).

SECTION 38. DURATION OF AN ADMINISTRATIVE INVESTIGATION. The investigation of the case shall be terminated within ninety (90) days from the start thereof. (Sec.66, RA 7160) Unreasonable failure to complete the investigation after the said period of ninety (90) days by the person or persons assigned to investigate shall be a ground for disciplinary action. (Art. 130, IRR).

SECTION 39. PERIOD TO DECIDE. Within thirty (30) days after the end of the investigation, the Sangguniang Bayan shall render a decision in writing stating clearly and distinctly the facts and the reasons for such decision. Copies of said decision shall immediately be furnished the respondent and all interested parties. (Sec. 66, RA 7160)

SECTION 40. SANGGUNIAN QUASI-JUDICIAL DECISIONS.

- 1) It is the discretion of the sanggunian as to who and how the decision shall be implemented.
- 2) The mayor may be directed to implement the decision depending on the discretion of the sanggunian.
- 3) The Municipal Mayor is hereby directed to implement the decision with obligation to inform the Sangguniang Bayan of the action taken thereon strictly within ten (10) days upon receipt hereof.
- 4) When so directed, the duty of the mayor to implement is merely ministerial. He has no discretion.
- 5) Failure by the mayor to enforce the decision may constitute of breach of duty and exposes him to administrative liability.
- 6) A moot and academic case is one that ceases to present a justifiable controversy by virtue of supervening events, so that a declaration thereon would be of no practical value.
- 7) Whatever judgment is reached, the same can no longer have any practical legal effect or, in the nature of things, can no longer be enforced. (Mendoza vs. Mayor Villas, 2011).

SECTION 41. RENDITION OF DECISION – Immediately upon receipt of the report or draft decision of the Committee, the Sanggunian shall calendar the same for deliberation on the next regular session immediately after its receipt. The decision shall be rendered within thirty (30) days from the date of submission for resolution.

SECTION 42. EXECUTION OF DECISION - The Municipal Vice-Mayor shall execute all final and executory decisions of the sanggunian by issuing the corresponding order implementing the same. It is the power of the Vice Mayor to execute the decision of the Sangguniang Bayan as enunciated by the Supreme Court in the case of Reyes vs. Comelec, 254 SCRA 514 cited in DILG Opinion No. 55, s. 1997.

SECTION 43. SUSPENSION AS PENALTY.

- 1) If the suspension as penalty was already imposed prior to the election period, the service by the respondent of the suspension shall subsist notwithstanding the start of the election period or the 90-day investigation ban.
- 2) The Penalty of suspension shall not exceed the unexpired term of the respondent or a period of six (6) months for every administrative offense, nor shall said penalty be a bar to the candidacy of the respondent so suspended as long as he meets the qualifications required for the office.
- 3) No suspension of government officials shall be done during election period except violations of RA 3019, Anti-Graft & Corrupt Practices Act. (Omnibus Election Code)
- 4) The prohibition to impose suspension under the Omnibus Election Code includes both preventive suspension and suspension as a penalty applying the rule. (DILG Opinion 9, s. 2010).
- 5) Propriety of the suspension of a mayor is rendered moot and academic upon the expiration of his term and that of the provincial officials who suspended him (Bautista vs. Primicias, G.R. No. L-33583, Feb. 12, 1972 cited in DILG Opinion 09A s. 2013).
- 6) Local elective official's service of suspension cannot go beyond his term of office.

SECTION 44. PENALTY OF REMOVAL. The penalty of removal from office as a result of an administrative investigation shall be considered a bar to the candidacy of the respondent for any elective position (Sec. 66, RA 7160).

SECTION 45. ADMINISTRATIVE APPEALS. Decisions of the Sangguniang Bayan in administrative cases may, within thirty (30) days from receipt thereof, be appealed to the Sangguniang Panlalawigan. If no appeal is made within thirty (30) days from receipt of the decision, the decision shall become final and executory. (Sec. 66, RA 7160 and Art. 131, IRR).

SECTION 46. EXECUTION PENDING APPEAL –

- 1) An appeal shall not prevent a decision from becoming final or executory. (Sec. 68, RA 7160)
- 2) The respondent shall be considered as having been placed under preventive suspension during the pendency of the appeal, which should not be more than the penalty imposed. In the event the appeal results in exoneration, he shall be paid his salary and such other emoluments during the pendency of the appeal. (Sec. 68, RA 7160 and Art. 143, IRR).
- 3) The decision of the Sangguniang Bayan may be appealed to the Sangguniang Panlalawigan (Sec. 67, RA 7160)

- 4) The decision of the Sangguniang Bayan shall be "final and executory". (Sec. 61c, RA 7160). The "final and executory" phrase used in the Section 61 (c) of RA 7160 is construed as "immediately executory" but the respondent may nevertheless appeal the adverse decision to the proper office (Mendoza v. Laxina, 2003; Don v. Lacsá, G.R. No. 170810, August 7, 2007).
- 5) The filing of Motion for Reconsideration will not stop the execution of the decision.
- 6) In the event the appeal results in an exoneration, he shall be paid his salary and such other emoluments during the pendency of the appeal (Section 64).

SECTION 47. APPEALABLE DECISION.

- 1) Decisions of the Sangguniang Bayan in administrative cases may, within thirty (30) days from receipt thereof, be appealed to the Sangguniang Panlalawigan (Sec. 67, RA 7160).
- 2) "Appeal is available only to the party adversely affected by the decision. In an administrative case, a complainant is a mere witness, as the offense is committed against the government." (Paredes Vs. CSC, G.R Nos. 88177 and 89530, 04 Dec. 1990).

SECTION 48. FINAL AND EXECUTORY DECISIONS (SEC.61,C, RA 7160)

- 1) A complaint against any elective barangay official shall be filed before the Sangguniang Bayan whose decision shall be final and executory.
- 2) After the issues are joined and after evaluating the evidences submitted in support of the complaint, if there is no evidence to substantiate the complaint, there may not be any "administrative case" to be investigated such that the "complaint" would be dismissed for lack of merit since there is "no case to be heard or investigated".
- 3) Hence, the decision would be final and executory simply because neither party would be adversely affected by that decision.
- 4) Decision of the Sangguniang Bayan to an administrative complaint is final and executory.

SECTION 49. EXONERATION. In Exoneration, the appellate body reverses the judgment when it found that the lower body erred in meeting the penalty to the respondent.

Article III

RULES IN SETTLING BOUNDARY DISPUTES

SECTION 1. DEFINITION AND POLICY. – There is a barangay boundary dispute when a portion or the whole of the territory is claimed by two or more neighboring barangays. Boundary disputes between or among affected barangays shall, as much as possible, be settled amicably.

SECTION 2. JURISDICTIONAL RESPONSIBILITY.- Boundary dispute shall be referred for settlement to the Sangguniang Bayan for disputes involving two (2) or more barangays in the same municipality.

SECTION 3. FILING OF PETITION. – The Sangguniang Barangay concerned may initiate action by filing a petition, in the form of a resolution, for appropriate action of the Sangguniang Bayan.

SECTION 4. CONTENTS OF PETITION.- The petition shall state the grounds, reasons or justification therefor.

SECTION 5. DOCUMENTS ATTACHED TO PETITION- The petition shall be accompanied by:

- a) Barangay map, duly certified by the Land Management Bureau (LMB).
- b) Technical description of the boundaries of the barangays concerned;
- c) Written certification of the municipal assessor, as to territorial jurisdiction over the disputed area according to records in custody;
- d) Written declarations or sworn statements of people residing in the disputed area; and
- e) Such other documents or information as may be required by the Sanggunian hearing the dispute.

SECTION 6. REFFERAL TO APPROPRIATE COMMITTEE. For purposes of scrutinizing compliance for a valid petition and deeper study, the case shall be referred to the Committee on Barangay Affairs, except if the Body agrees to refer it to the "Committee of the Whole".

SECTION 7. ANSWER OF ADVERSE PARTY.- Upon receipt by the Sangguniang Bayan of the petition together with the required documents, on motion of the Committee, the responding barangay/s complained against shall be furnished copies thereof and shall be given fifteen (15) days within which to file their answer/s.

SECTION 8. HEARING. Within five (5) working days after receipt of the answer of the adverse party, the sanggunian shall hear the case and allow the parties concerned to present their respective evidences.

SECTION 9. AMICABLE SETTLEMENT. The Committee on Barangay Affairs in coordination with the Committee on Rules shall exert their whole-hearted efforts within the 60-day period for purposes of amicable settlement of both parties.

SECTION 10. FAILURE TO SETTLE. In the event the Sangguniang Bayan through said Committees fail to amicably settle the dispute within sixty (60) days from the date such dispute was referred thereto, it shall issue a certification to that effect and copies thereof shall be furnished the parties concerned.

SECTION 11. DECISION. Within sixty (60) days from the date the certification was issued, the dispute shall be formally tried and allow the parties concerned to present their respective evidences.

SECTION 12. PRESENCE OF COUNSELS. Both parties may be afforded due process of their respective legal counsels, provided technical rules shall be set aside, or both parties may waive for the presence of their respective counsels to facilitate resolution of the issue.

SECTION 13. PROPOSED DECISION. The proposed decision shall be prepared by the Committee on Barangay Affairs in coordination with the Committee on Rules for deliberation of the Quasi-Judicial Body en banc.

SECTION 14. DECISION. The decision shall be in commission type. Copies of the decision shall, within fifteen (15) working days from the promulgation thereof, be furnished the parties concerned, DILG, Municipal Assessor, COMELEC, Philippine Statistics Authority (PSA), and other National Government Agencies (NGAs) concerned.

SECTION 15. APPEAL. Within fifteen (15) days from date of receipt of the decision, any party may elevate the decision of the Sangguniang Bayan concerned to the proper Regional Trial Court having jurisdiction over the dispute by filing therewith the appropriate pleading, stating among others, the nature of the dispute, the decision of the sanggunian concerned and the reasons for appealing therefrom. The Regional Trial Court shall decide the case within one (1) year from the filing thereof.

SECTION 16. MAINTENANCE OF STATUS QUO. Pending final resolution of the dispute, the status of the affected area prior to the dispute shall be maintained and continued for all purposes.

SECTION 17. OFFICIAL CUSTODIAN. — The DILG shall be the official custodian of copies of all documents on boundary disputes of LGUs.

Article IV FINAL PROVISIONS

SECTION 1. SUPPLEMENTAL RULE. — Any rule of order or regulation of other parliamentary bodies not in conflict with these rules may be considered supplemental thereto.

SECTION 2. AMENDMENT. — Any amendment to these rules shall be presented in writing and shall be approved by two-thirds (2/3) vote of all members of the Sanggunian.

SECTION 3. LIMITATION. No provisions of these rules which is prescribed by or based on statutory law or any other higher authority may be amended or revised.

SECTION 4. DRESS CODE. The uniform during sessions and formal occasions/ events shall be “type A” formal Filipino attire, the design and color shall be determined by the body; and “type B” during other activities.

SECTION 4. SEPARABILITY CLAUSE. Any provision of this Code declared invalid shall not affect the validity of the other provisions of this Code.

SECTION 5. REPEALING CLAUSE. Any ordinance inconsistent thereto is hereby repealed or modified accordingly.

SECTION 6. EFFECTIVITY. This Code shall take effect upon its approval by the Municipal Mayor pursuant to Section 54 and 55 of RA 7160 and after its publication in newspaper of general circulation pursuant to Section 511,a, of RA 7160.

UNANIMOUSLY APPROVED.

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I hereby certify to the correctness of the above-quoted ordinance.

FIDELINO P. CORITICO, LLB
Secretary to the Sanggunian

ATTESTED:

LLOYD PETER M. LOPEZ, M.D.
Vice-Mayor
Presiding Officer

APPROVED:

ELVI PETER L. RELAMPAGOS
Municipal Mayor

Date: July 21, 2016

Page 74 of 74
SB MUNICIPAL ORDINANCE NO. 16-001, Series of 2016

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LLOYD PETER M. LOPEZ, M.D.
Vice-Mayor
Presiding Officer

APPROVED:

ELVI PETER L. RELAMPAGOS
Municipal Mayor
Date:  07/21/16